

HB4137



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4137

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2015 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB099 07987 AMC 28127 b

A BILL FOR

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2015 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change
9 in the law. It reconciles conflicts that have arisen from
10 multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain
13 Sections that have been added or amended by more than one
14 Public Act. In certain cases in which a repealed Act or Section
15 has been replaced with a successor law, this Act may
16 incorporate amendments to the repealed Act or Section into the
17 successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended
20 Section indicates the sources in the Session Laws of Illinois
21 that were used in the preparation of the text of that Section.
22 The text of the Section included in this Act is intended to
23 include the different versions of the Section found in the
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 98-590 through 98-1173 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of those combining revisories contain no striking or
7 underscoring because no additional changes are being made in
8 the material that is being combined.

9 Section 5. The Effective Date of Laws Act is amended by
10 changing Section 6 as follows:

11 (5 ILCS 75/6) (from Ch. 1, par. 1206)

12 Sec. 6. As used in this Act, "Constitution" means the
13 Constitution of the State of Illinois of 1970.

14 (Source: P.A. 78-85; revised 11-25-14.)

15 Section 10. The Regulatory Sunset Act is amended by
16 changing Section 4.27 as follows:

17 (5 ILCS 80/4.27)

18 Sec. 4.27. Acts repealed on January 1, 2017. The following
19 are repealed on January 1, 2017:

20 The Illinois Optometric Practice Act of 1987.

21 The Clinical Psychologist Licensing Act.

22 The Boiler and Pressure Vessel Repairer Regulation Act.

1 Articles II, III, IV, V, ~~V-1/2~~, VI, VIIA, VIIB, VIIC, XVII,
2 XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

3 (Source: P.A. 94-787, eff. 5-19-06; 94-870, eff. 6-16-06;
4 94-956, eff. 6-27-06; 94-1076, eff. 12-29-06; 95-331, eff.
5 8-21-07; 95-876, eff. 8-21-08; revised 11-25-14.)

6 Section 15. The Illinois Administrative Procedure Act is
7 amended by changing Section 10-40 as follows:

8 (5 ILCS 100/10-40) (from Ch. 127, par. 1010-40)

9 Sec. 10-40. Rules of evidence; official notice. In
10 contested cases:

11 (a) Irrelevant, immaterial, or unduly repetitious evidence
12 shall be excluded. The rules of evidence and privilege as
13 applied in civil cases in the circuit courts of this State
14 shall be followed. Evidence not admissible under those rules of
15 evidence may be admitted, however, (except where precluded by
16 statute) if it is of a type commonly relied upon by reasonably
17 prudent men in the conduct of their affairs. Objections to
18 evidentiary offers may be made and shall be noted in the
19 record. Subject to these requirements, when a hearing will be
20 expedited and the interests of the parties will not be
21 prejudiced, any part of the evidence may be received in written
22 form.

23 (b) Subject to the evidentiary requirements of subsection
24 (a) of this Section, a party may conduct cross-examination

1 required for a full and fair disclosure of the facts.

2 (c) Notice may be taken of matters of which the circuit
3 courts of this State may take judicial notice. In addition,
4 notice may be taken of generally recognized technical or
5 scientific facts within the agency's specialized knowledge.
6 Parties shall be notified either before or during the hearing,
7 or by reference in preliminary reports or otherwise, of the
8 material noticed, including any staff memoranda or data, and
9 they shall be afforded an opportunity to contest the material
10 so noticed. The agency's experience, technical competence, and
11 specialized knowledge may be utilized in the evaluation of the
12 evidence.

13 (Source: P.A. 87-823; revised 11-25-14.)

14 Section 20. The Open Meetings Act is amended by changing
15 Section 2 as follows:

16 (5 ILCS 120/2) (from Ch. 102, par. 42)

17 Sec. 2. Open meetings.

18 (a) Openness required. All meetings of public bodies shall
19 be open to the public unless excepted in subsection (c) and
20 closed in accordance with Section 2a.

21 (b) Construction of exceptions. The exceptions contained
22 in subsection (c) are in derogation of the requirement that
23 public bodies meet in the open, and therefore, the exceptions
24 are to be strictly construed, extending only to subjects

1 clearly within their scope. The exceptions authorize but do not
2 require the holding of a closed meeting to discuss a subject
3 included within an enumerated exception.

4 (c) Exceptions. A public body may hold closed meetings to
5 consider the following subjects:

6 (1) The appointment, employment, compensation,
7 discipline, performance, or dismissal of specific
8 employees of the public body or legal counsel for the
9 public body, including hearing testimony on a complaint
10 lodged against an employee of the public body or against
11 legal counsel for the public body to determine its
12 validity.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the public
22 body is given power to remove the occupant under law or
23 ordinance.

24 (4) Evidence or testimony presented in open hearing, or
25 in closed hearing where specifically authorized by law, to
26 a quasi-adjudicative body, as defined in this Act, provided

1 that the body prepares and makes available for public
2 inspection a written decision setting forth its
3 determinative reasoning.

4 (5) The purchase or lease of real property for the use
5 of the public body, including meetings held for the purpose
6 of discussing whether a particular parcel should be
7 acquired.

8 (6) The setting of a price for sale or lease of
9 property owned by the public body.

10 (7) The sale or purchase of securities, investments, or
11 investment contracts. This exception shall not apply to the
12 investment of assets or income of funds deposited into the
13 Illinois Prepaid Tuition Trust Fund.

14 (8) Security procedures and the use of personnel and
15 equipment to respond to an actual, a threatened, or a
16 reasonably potential danger to the safety of employees,
17 students, staff, the public, or public property.

18 (9) Student disciplinary cases.

19 (10) The placement of individual students in special
20 education programs and other matters relating to
21 individual students.

22 (11) Litigation, when an action against, affecting or
23 on behalf of the particular public body has been filed and
24 is pending before a court or administrative tribunal, or
25 when the public body finds that an action is probable or
26 imminent, in which case the basis for the finding shall be

1 recorded and entered into the minutes of the closed
2 meeting.

3 (12) The establishment of reserves or settlement of
4 claims as provided in the Local Governmental and
5 Governmental Employees Tort Immunity Act, if otherwise the
6 disposition of a claim or potential claim might be
7 prejudiced, or the review or discussion of claims, loss or
8 risk management information, records, data, advice or
9 communications from or with respect to any insurer of the
10 public body or any intergovernmental risk management
11 association or self insurance pool of which the public body
12 is a member.

13 (13) Conciliation of complaints of discrimination in
14 the sale or rental of housing, when closed meetings are
15 authorized by the law or ordinance prescribing fair housing
16 practices and creating a commission or administrative
17 agency for their enforcement.

18 (14) Informant sources, the hiring or assignment of
19 undercover personnel or equipment, or ongoing, prior or
20 future criminal investigations, when discussed by a public
21 body with criminal investigatory responsibilities.

22 (15) Professional ethics or performance when
23 considered by an advisory body appointed to advise a
24 licensing or regulatory agency on matters germane to the
25 advisory body's field of competence.

26 (16) Self evaluation, practices and procedures or

1 professional ethics, when meeting with a representative of
2 a statewide association of which the public body is a
3 member.

4 (17) The recruitment, credentialing, discipline or
5 formal peer review of physicians or other health care
6 professionals for a hospital, or other institution
7 providing medical care, that is operated by the public
8 body.

9 (18) Deliberations for decisions of the Prisoner
10 Review Board.

11 (19) Review or discussion of applications received
12 under the Experimental Organ Transplantation Procedures
13 Act.

14 (20) The classification and discussion of matters
15 classified as confidential or continued confidential by
16 the State Government Suggestion Award Board.

17 (21) Discussion of minutes of meetings lawfully closed
18 under this Act, whether for purposes of approval by the
19 body of the minutes or semi-annual review of the minutes as
20 mandated by Section 2.06.

21 (22) Deliberations for decisions of the State
22 Emergency Medical Services Disciplinary Review Board.

23 (23) The operation by a municipality of a municipal
24 utility or the operation of a municipal power agency or
25 municipal natural gas agency when the discussion involves
26 (i) contracts relating to the purchase, sale, or delivery

1 of electricity or natural gas or (ii) the results or
2 conclusions of load forecast studies.

3 (24) Meetings of a residential health care facility
4 resident sexual assault and death review team or the
5 Executive Council under the Abuse Prevention Review Team
6 Act.

7 (25) Meetings of an independent team of experts under
8 Brian's Law.

9 (26) Meetings of a mortality review team appointed
10 under the Department of Juvenile Justice Mortality Review
11 Team Act.

12 (27) (Blank).

13 (28) Correspondence and records (i) that may not be
14 disclosed under Section 11-9 of the Public Aid Code or (ii)
15 that pertain to appeals under Section 11-8 of the Public
16 Aid Code.

17 (29) Meetings between internal or external auditors
18 and governmental audit committees, finance committees, and
19 their equivalents, when the discussion involves internal
20 control weaknesses, identification of potential fraud risk
21 areas, known or suspected frauds, and fraud interviews
22 conducted in accordance with generally accepted auditing
23 standards of the United States of America.

24 (30) Those meetings or portions of meetings of a
25 fatality review team or the Illinois Fatality Review Team
26 Advisory Council during which a review of the death of an

1 eligible adult in which abuse or neglect is suspected,
2 alleged, or substantiated is conducted pursuant to Section
3 15 of the Adult Protective Services Act.

4 (31) Meetings and deliberations for decisions of the
5 Concealed Carry Licensing Review Board under the Firearm
6 Concealed Carry Act.

7 (32) Meetings between the Regional Transportation
8 Authority Board and its Service Boards when the discussion
9 involves review by the Regional Transportation Authority
10 Board of employment contracts under Section 28d of the
11 Metropolitan Transit Authority Act and Sections 3A.18 and
12 3B.26 of the Regional Transportation Authority Act.

13 (d) Definitions. For purposes of this Section:

14 "Employee" means a person employed by a public body whose
15 relationship with the public body constitutes an
16 employer-employee relationship under the usual common law
17 rules, and who is not an independent contractor.

18 "Public office" means a position created by or under the
19 Constitution or laws of this State, the occupant of which is
20 charged with the exercise of some portion of the sovereign
21 power of this State. The term "public office" shall include
22 members of the public body, but it shall not include
23 organizational positions filled by members thereof, whether
24 established by law or by a public body itself, that exist to
25 assist the body in the conduct of its business.

26 "Quasi-adjudicative body" means an administrative body

1 charged by law or ordinance with the responsibility to conduct
2 hearings, receive evidence or testimony and make
3 determinations based thereon, but does not include local
4 electoral boards when such bodies are considering petition
5 challenges.

6 (e) Final action. No final action may be taken at a closed
7 meeting. Final action shall be preceded by a public recital of
8 the nature of the matter being considered and other information
9 that will inform the public of the business being conducted.

10 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;
11 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.
12 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff.
13 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; revised
14 10-1-14.)

15 Section 25. The Freedom of Information Act is amended by
16 changing Sections 2 and 7.5 as follows:

17 (5 ILCS 140/2) (from Ch. 116, par. 202)

18 Sec. 2. Definitions. As used in this Act:

19 (a) "Public body" means all legislative, executive,
20 administrative, or advisory bodies of the State, state
21 universities and colleges, counties, townships, cities,
22 villages, incorporated towns, school districts and all other
23 municipal corporations, boards, bureaus, committees, or
24 commissions of this State, any subsidiary bodies of any of the

1 forego including but not limited to committees and
2 subcommittees thereof, and a School Finance Authority created
3 under Article 1E of the School Code. "Public body" does not
4 include a child death review team or the Illinois Child Death
5 Review Teams Executive Council established under the Child
6 Death Review Team Act, or a regional youth advisory board or
7 the Statewide Youth Advisory Board established under the
8 Department of Children and Family Services Statewide Youth
9 Advisory Board Act.

10 (b) "Person" means any individual, corporation,
11 partnership, firm, organization or association, acting
12 individually or as a group.

13 (c) "Public records" means all records, reports, forms,
14 writings, letters, memoranda, books, papers, maps,
15 photographs, microfilms, cards, tapes, recordings, electronic
16 data processing records, electronic communications, recorded
17 information and all other documentary materials pertaining to
18 the transaction of public business, regardless of physical form
19 or characteristics, having been prepared by or for, or having
20 been or being used by, received by, in the possession of, or
21 under the control of any public body.

22 (c-5) "Private information" means unique identifiers,
23 including a person's social security number, driver's license
24 number, employee identification number, biometric identifiers,
25 personal financial information, passwords or other access
26 codes, medical records, home or personal telephone numbers, and

1 personal email addresses. Private information also includes
2 home address and personal license plates, except as otherwise
3 provided by law or when compiled without possibility of
4 attribution to any person.

5 (c-10) "Commercial purpose" means the use of any part of a
6 public record or records, or information derived from public
7 records, in any form for sale, resale, or solicitation or
8 advertisement for sales or services. For purposes of this
9 definition, requests made by news media and non-profit,
10 scientific, or academic organizations shall not be considered
11 to be made for a "commercial purpose" when the principal
12 purpose of the request is (i) to access and disseminate
13 information concerning news and current or passing events, (ii)
14 for articles of opinion or features of interest to the public,
15 or (iii) for the purpose of academic, scientific, or public
16 research or education.

17 (d) "Copying" means the reproduction of any public record
18 by means of any photographic, electronic, mechanical or other
19 process, device or means now known or hereafter developed and
20 available to the public body.

21 (e) "Head of the public body" means the president, mayor,
22 chairman, presiding officer, director, superintendent,
23 manager, supervisor or individual otherwise holding primary
24 executive and administrative authority for the public body, or
25 such person's duly authorized designee.

26 (f) "News media" means a newspaper or other periodical

1 issued at regular intervals whether in print or electronic
2 format, a news service whether in print or electronic format, a
3 radio station, a television station, a television network, a
4 community antenna television service, or a person or
5 corporation engaged in making news reels or other motion
6 picture news for public showing.

7 (g) "Recurrent requester", as used in Section 3.2 of this
8 Act, means a person that, in the 12 months immediately
9 preceding the request, has submitted to the same public body
10 (i) a minimum of 50 requests for records, (ii) a minimum of 15
11 requests for records within a 30-day period, or (iii) a minimum
12 of 7 requests for records within a 7-day period. For purposes
13 of this definition, requests made by news media and non-profit,
14 scientific, or academic organizations shall not be considered
15 in calculating the number of requests made in the time periods
16 in this definition when the principal purpose of the requests
17 is (i) to access and disseminate information concerning news
18 and current or passing events, (ii) for articles of opinion or
19 features of interest to the public, or (iii) for the purpose of
20 academic, scientific, or public research or education.

21 For the purposes of this subsection (g), "request" means a
22 written document (or oral request, if the public body chooses
23 to honor oral requests) that is submitted to a public body via
24 personal delivery, mail, telefax, electronic mail, or other
25 means available to the public body and that identifies the
26 particular public record the requester seeks. One request may

1 identify multiple records to be inspected or copied.

2 (h) "Voluminous request" means a request that: (i) includes
3 more than 5 individual requests for more than 5 different
4 categories of records or a combination of individual requests
5 that total requests for more than 5 different categories of
6 records in a period of 20 business days; or (ii) requires the
7 compilation of more than 500 letter or legal-sized pages of
8 public records unless a single requested record exceeds 500
9 pages. "Single requested record" may include, but is not
10 limited to, one report, form, e-mail, letter, memorandum, book,
11 map, microfilm, tape, or recording.

12 "Voluminous request" does not include a request made by
13 news media and non-profit, scientific, or academic
14 organizations if the principal purpose of the request is: (1)
15 to access and disseminate information concerning news and
16 current or passing events; (2) for articles of opinion or
17 features of interest to the public; or (3) for the purpose of
18 academic, scientific, or public research or education.

19 For the purposes of this subsection (h), "request" means a
20 written document, or oral request, if the public body chooses
21 to honor oral requests, that is submitted to a public body via
22 personal delivery, mail, telefax, electronic mail, or other
23 means available to the public body and that identifies the
24 particular public record or records the requester seeks. One
25 request may identify multiple individual records to be
26 inspected or copied.

1 (Source: P.A. 97-579, eff. 8-26-11; 98-806, eff. 1-1-15;
2 98-1129, eff. 12-3-14; revised 12-19-14.)

3 (5 ILCS 140/7.5)

4 Sec. 7.5. Statutory exemptions ~~Exemptions~~. To the extent
5 provided for by the statutes referenced below, the following
6 shall be exempt from inspection and copying:

7 (a) All information determined to be confidential
8 under Section 4002 of the Technology Advancement and
9 Development Act.

10 (b) Library circulation and order records identifying
11 library users with specific materials under the Library
12 Records Confidentiality Act.

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

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

25 (e) Information the disclosure of which is exempted

1 under Section 30 of the Radon Industry Licensing Act.

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

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

8 (h) Information the disclosure of which is exempted
9 under the State Officials and Employees Ethics Act, and
10 records of any lawfully created State or local inspector
11 general's office that would be exempt if created or
12 obtained by an Executive Inspector General's office under
13 that Act.

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

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

22 (k) Law enforcement officer identification information
23 or driver identification information compiled by a law
24 enforcement agency or the Department of Transportation
25 under Section 11-212 of the Illinois Vehicle Code.

26 (l) Records and information provided to a residential

1 health care facility resident sexual assault and death
2 review team or the Executive Council under the Abuse
3 Prevention Review Team Act.

4 (m) Information provided to the predatory lending
5 database created pursuant to Article 3 of the Residential
6 Real Property Disclosure Act, except to the extent
7 authorized under that Article.

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

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

18 (p) Security portions of system safety program plans,
19 investigation reports, surveys, schedules, lists, data, or
20 information compiled, collected, or prepared by or for the
21 Regional Transportation Authority under Section 2.11 of
22 the Regional Transportation Authority Act or the St. Clair
23 County Transit District under the Bi-State Transit Safety
24 Act.

25 (q) Information prohibited from being disclosed by the
26 Personnel Records Review Act.

1 (r) Information prohibited from being disclosed by the
2 Illinois School Student Records Act.

3 (s) Information the disclosure of which is restricted
4 under Section 5-108 of the Public Utilities Act.

5 (t) All identified or deidentified health information
6 in the form of health data or medical records contained in,
7 stored in, submitted to, transferred by, or released from
8 the Illinois Health Information Exchange, and identified
9 or deidentified health information in the form of health
10 data and medical records of the Illinois Health Information
11 Exchange in the possession of the Illinois Health
12 Information Exchange Authority due to its administration
13 of the Illinois Health Information Exchange. The terms
14 "identified" and "deidentified" shall be given the same
15 meaning as in the Health Insurance Accountability and
16 Portability Act of 1996, Public Law 104-191, or any
17 subsequent amendments thereto, and any regulations
18 promulgated thereunder.

19 (u) Records and information provided to an independent
20 team of experts under Brian's Law.

21 (v) Names and information of people who have applied
22 for or received Firearm Owner's Identification Cards under
23 the Firearm Owners Identification Card Act or applied for
24 or received a concealed carry license under the Firearm
25 Concealed Carry Act, unless otherwise authorized by the
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed Carry
2 Licensing Review Board under the Firearm Concealed Carry
3 Act, and law enforcement agency objections under the
4 Firearm Concealed Carry Act.

5 (w) Personally identifiable information which is
6 exempted from disclosure under subsection (g) of Section
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure
9 under Section 5-1014.3 of the Counties Code or Section
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult
12 Protective Services Act and its predecessor enabling
13 statute, the Elder Abuse and Neglect Act, including
14 information about the identity and administrative finding
15 against any caregiver of a verified and substantiated
16 decision of abuse, neglect, or financial exploitation of an
17 eligible adult maintained in the Registry established
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality
20 review team or the Illinois Fatality Review Team Advisory
21 Council under Section 15 of the Adult Protective Services
22 Act.

23 (aa) Information which is exempted from disclosure
24 under Section 2.37 of the Wildlife Code.

25 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
26 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,

1 eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039,
2 eff. 8-25-14; 98-1045, eff. 8-25-14; revised 10-1-14.)

3 Section 30. The State Records Act is amended by changing
4 Section 15b as follows:

5 (5 ILCS 160/15b) (from Ch. 116, par. 43.18b)

6 Sec. 15b. The head of each agency shall:

7 (1) Determine what records are "essential" for
8 emergency government operation through consultation with
9 all branches of government, State agencies, and with the
10 State Civil Defense Agency.

11 (2) Determine what records are "essential" for
12 post-emergency government operations and provide for their
13 protection and preservation.

14 (3) Establish the manner in which essential records for
15 emergency and post-emergency government operations shall
16 be preserved to ensure ~~insure~~ emergency usability.

17 (4) Establish and maintain an essential records
18 preservation program.

19 The Secretary may provide for security storage or
20 relocation of essential State records in the event of an
21 emergency arising from enemy attack or natural disaster.

22 (Source: P.A. 85-414; revised 11-25-14.)

23 Section 35. The Electronic Commerce Security Act is amended

1 by changing Section 10-115 as follows:

2 (5 ILCS 175/10-115)

3 Sec. 10-115. Commercially reasonable; reliance.

4 (a) The commercial reasonableness of a security procedure
5 is a question of law to be determined in light of the purposes
6 of the procedure and the commercial circumstances at the time
7 the procedure was used, including the nature of the
8 transaction, sophistication of the parties, volume of similar
9 transactions engaged in by either or both of the parties,
10 availability of alternatives offered to but rejected by either
11 of the parties, cost of alternative procedures, and procedures
12 in general use for similar types of transactions.

13 (b) Whether reliance on a security procedure was reasonable
14 and in good faith is to be determined in light of all the
15 circumstances known to the relying party at the time of the
16 reliance, having due regard to ~~the~~:

17 (1) the information that the relying party knew or
18 should have known of at the time of reliance that would
19 suggest that reliance was or was not reasonable;

20 (2) the value or importance of the electronic record,
21 if known;

22 (3) any course of dealing between the relying party and
23 the purported sender and the available indicia of
24 reliability or unreliability apart from the security
25 procedure;

1 (4) any usage of trade, particularly trade conducted by
2 trustworthy systems or other computer-based means; and

3 (5) whether the verification was performed with the
4 assistance of an independent third party.

5 (Source: P.A. 90-759, eff. 7-1-99; revised 11-25-14.)

6 Section 40. The Employee Rights Violation Act is amended by
7 changing Section 2 as follows:

8 (5 ILCS 285/2) (from Ch. 127, par. 63b100-2)

9 Sec. 2. For the purposes of this Act, the terms used herein
10 shall have the meanings ascribed to them in this Section:

11 (a) "Policy making officer" means: (i) an employee of a
12 State agency who is engaged predominantly in executive and
13 management functions and is charged with the responsibility of
14 directing the effectuation of such management policies and
15 practices; or (ii) an employee of a State agency whose
16 principal work is substantially different from that of his
17 subordinates and who has authority in the interest of the State
18 agency to hire, transfer, suspend, lay off, recall, promote,
19 discharge, direct, reward, or discipline employees, or to
20 adjust their grievances, or to effectively recommend such
21 action, if the exercise of such authority is not of a merely
22 routine or clerical nature, but requires the consistent use of
23 independent judgment; or (iii) a Director, Assistant Director
24 or Deputy Director of a State agency.†

1 (b) "State agency" means the Departments of the Executive
2 Branch of State government listed in Section 5-15 of the
3 Departments of State Government Law (20 ILCS 5/5-15). ~~+~~

4 (c) "Director" includes the Secretary of Transportation.
5 (Source: P.A. 91-239, eff. 1-1-00; revised 11-25-14.)

6 Section 45. The Election Code is amended by changing
7 Sections 10-10 and 16-6.1 as follows:

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

9 Sec. 10-10. Within 24 hours after the receipt of the
10 certificate of nomination or nomination papers or proposed
11 question of public policy, as the case may be, and the
12 objector's petition, the chairman of the electoral board other
13 than the State Board of Elections shall send a call by
14 registered or certified mail to each of the members of the
15 electoral board, and to the objector who filed the objector's
16 petition, and either to the candidate whose certificate of
17 nomination or nomination papers are objected to or to the
18 principal proponent or attorney for proponents of a question of
19 public policy, as the case may be, whose petitions are objected
20 to, and shall also cause the sheriff of the county or counties
21 in which such officers and persons reside to serve a copy of
22 such call upon each of such officers and persons, which call
23 shall set out the fact that the electoral board is required to
24 meet to hear and pass upon the objections to nominations made

1 for the office, designating it, and shall state the day, hour
2 and place at which the electoral board shall meet for the
3 purpose, which place shall be in the county court house in the
4 county in the case of the County Officers Electoral Board, the
5 Municipal Officers Electoral Board, the Township Officers
6 Electoral Board or the Education Officers Electoral Board,
7 except that the Municipal Officers Electoral Board, the
8 Township Officers Electoral Board, and the Education Officers
9 Electoral Board may meet at the location where the governing
10 body of the municipality, township, or community college
11 district, respectively, holds its regularly scheduled
12 meetings, if that location is available; provided that voter
13 records may be removed from the offices of an election
14 authority only at the discretion and under the supervision of
15 the election authority. In those cases where the State Board of
16 Elections is the electoral board designated under Section 10-9,
17 the chairman of the State Board of Elections shall, within 24
18 hours after the receipt of the certificate of nomination or
19 nomination papers or petitions for a proposed amendment to
20 Article IV of the Constitution or proposed statewide question
21 of public policy, send a call by registered or certified mail
22 to the objector who files the objector's petition, and either
23 to the candidate whose certificate of nomination or nomination
24 papers are objected to or to the principal proponent or
25 attorney for proponents of the proposed Constitutional
26 amendment or statewide question of public policy and shall

1 state the day, hour and place at which the electoral board
2 shall meet for the purpose, which place may be in the Capitol
3 Building or in the principal or permanent branch office of the
4 State Board. The day of the meeting shall not be less than 3
5 nor more than 5 days after the receipt of the certificate of
6 nomination or nomination papers and the objector's petition by
7 the chairman of the electoral board.

8 The electoral board shall have the power to administer
9 oaths and to subpoena and examine witnesses and, at the request
10 of either party and only upon a vote by a majority of its
11 members, may authorize the chairman to issue subpoenas
12 requiring the attendance of witnesses and subpoenas duces tecum
13 requiring the production of such books, papers, records and
14 documents as may be evidence of any matter under inquiry before
15 the electoral board, in the same manner as witnesses are
16 subpoenaed in the Circuit Court.

17 Service of such subpoenas shall be made by any sheriff or
18 other person in the same manner as in cases in such court and
19 the fees of such sheriff shall be the same as is provided by
20 law, and shall be paid by the objector or candidate who causes
21 the issuance of the subpoena. In case any person so served
22 shall knowingly neglect or refuse to obey any such subpoena, or
23 to testify, the electoral board shall at once file a petition
24 in the circuit court of the county in which such hearing is to
25 be heard, or has been attempted to be heard, setting forth the
26 facts, of such knowing refusal or neglect, and accompanying the

1 petition with a copy of the citation and the answer, if one has
2 been filed, together with a copy of the subpoena and the return
3 of service thereon, and shall apply for an order of court
4 requiring such person to attend and testify, and forthwith
5 produce books and papers, before the electoral board. Any
6 circuit court of the state, excluding the judge who is sitting
7 on the electoral board, upon such showing shall order such
8 person to appear and testify, and to forthwith produce such
9 books and papers, before the electoral board at a place to be
10 fixed by the court. If such person shall knowingly fail or
11 refuse to obey such order of the court without lawful excuse,
12 the court shall punish him or her by fine and imprisonment, as
13 the nature of the case may require and may be lawful in cases
14 of contempt of court.

15 The electoral board on the first day of its meeting shall
16 adopt rules of procedure for the introduction of evidence and
17 the presentation of arguments and may, in its discretion,
18 provide for the filing of briefs by the parties to the
19 objection or by other interested persons.

20 In the event of a State Electoral Board hearing on
21 objections to a petition for an amendment to Article IV of the
22 Constitution pursuant to Section 3 of Article XIV of the
23 Constitution, or to a petition for a question of public policy
24 to be submitted to the voters of the entire State, the
25 certificates of the county clerks and boards of election
26 commissioners showing the results of the random sample of

1 signatures on the petition shall be prima facie valid and
2 accurate, and shall be presumed to establish the number of
3 valid and invalid signatures on the petition sheets reviewed in
4 the random sample, as prescribed in Section 28-11 and 28-12 of
5 this Code. Either party, however, may introduce evidence at
6 such hearing to dispute the findings as to particular
7 signatures. In addition to the foregoing, in the absence of
8 competent evidence presented at such hearing by a party
9 substantially challenging the results of a random sample, or
10 showing a different result obtained by an additional sample,
11 this certificate of a county clerk or board of election
12 commissioners shall be presumed to establish the ratio of valid
13 to invalid signatures within the particular election
14 jurisdiction.

15 The electoral board shall take up the question as to
16 whether or not the certificate of nomination or nomination
17 papers or petitions are in proper form, and whether or not they
18 were filed within the time and under the conditions required by
19 law, and whether or not they are the genuine certificate of
20 nomination or nomination papers or petitions which they purport
21 to be, and whether or not in the case of the certificate of
22 nomination in question it represents accurately the decision of
23 the caucus or convention issuing it, and in general shall
24 decide whether or not the certificate of nomination or
25 nominating papers or petitions on file are valid or whether the
26 objections thereto should be sustained and the decision of a

1 majority of the electoral board shall be final subject to
2 judicial review as provided in Section 10-10.1. The electoral
3 board must state its findings in writing and must state in
4 writing which objections, if any, it has sustained. A copy of
5 the decision shall be served upon the parties to the
6 proceedings in open proceedings before the electoral board. If
7 a party does not appear for receipt of the decision, the
8 decision shall be deemed to have been served on the absent
9 party on the date when a copy of the decision is personally
10 delivered or on the date when a copy of the decision is
11 deposited in the United States mail, in a sealed envelope or
12 package, with postage prepaid, addressed to each party affected
13 by the decision or to such party's attorney of record, if any,
14 at the address on record for such person in the files of the
15 electoral board.

16 Upon the expiration of the period within which a proceeding
17 for judicial review must be commenced under Section 10-10.1,
18 the electoral board shall, unless a proceeding for judicial
19 review has been commenced within such period, transmit, by
20 registered or certified mail, a certified copy of its ruling,
21 together with the original certificate of nomination or
22 nomination papers or petitions and the original objector's
23 petition, to the officer or board with whom the certificate of
24 nomination or nomination papers or petitions, as objected to,
25 were on file, and such officer or board shall abide by and
26 comply with the ruling so made to all intents and purposes.

1 (Source: P.A. 98-115, eff. 7-29-13; 98-691, eff. 7-1-14;
2 revised 11-25-14.)

3 (10 ILCS 5/16-6.1) (from Ch. 46, par. 16-6.1)

4 Sec. 16-6.1. In elections held pursuant to the provisions
5 of Section 12 of Article VI of the Constitution relating to
6 retention of judges in office, the form of the proposition to
7 be submitted for each candidate shall be as provided in
8 paragraph (1) or (2), as the election authority may choose.

9 (1) The names of all persons seeking retention in the
10 same office shall be listed, in the order provided in this
11 Section, with one proposition that reads substantially as
12 follows: "Shall each of the persons listed be retained in
13 office as (insert name of office and court)?" To the right
14 of each candidate's name must be places for the voter to
15 mark "Yes" or "No". If the list of candidates for retention
16 in the same office exceeds one page of the ballot, the
17 proposition must appear on each page upon which the list of
18 candidates continues.

19 (2) The form of the proposition for each candidate
20 shall be substantially as follows:

21	-----	
22	Shall (insert name	YES
23	of candidate) be retained in	-----
24	office as (insert name	NO
25	of office and Court)?	

1 -----

2 The names of all candidates thus submitting their names for
3 retention in office in any particular judicial district or
4 circuit shall appear on the same ballot which shall be separate
5 from all other ballots voted on at the general election.

6 Propositions on Supreme Court judges, if any are seeking
7 retention, shall appear on the ballot in the first group, for
8 judges of the Appellate Court in the second group immediately
9 under the first, and for circuit judges in the last group. The
10 grouping of candidates for the same office shall be preceded by
11 a heading describing the office and the court. If there are two
12 or more candidates for each office, the names of such
13 candidates in each group shall be listed in the order
14 determined as follows: The name of the person with the greatest
15 length of time served in the specified office of the specified
16 court shall be listed first in each group. The rest of the
17 names shall be listed in the appropriate order based on the
18 same seniority standard. If two or more candidates for each
19 office have served identical periods of time in the specified
20 office, such candidates shall be listed alphabetically at the
21 appropriate place in the order of names based on seniority in
22 the office as described. Circuit judges shall be credited for
23 the purposes of this section with service as associate judges
24 prior to July 1, 1971 and with service on any court the judges
25 of which were made associate judges on January 1, 1964 by
26 virtue of Paragraph 4, subparagraphs (c) and (d) of the

1 Schedule to Article VI of the former Illinois Constitution.

2 At the top of the ballot on the same side as the
3 propositions on the candidates are listed shall be printed an
4 explanation to read substantially as follows: "Vote on the
5 proposition with respect to all or any of the judges listed on
6 this ballot. No judge listed is running against any other
7 judge. The sole question is whether each judge shall be
8 retained in his or her present office".

9 Such separate ballot shall be printed on paper of
10 sufficient size so that when folded once it shall be large
11 enough to contain the following words, which shall be printed
12 on the back, "Ballot for judicial candidates seeking retention
13 in office". Such ballot shall be handed to the elector at the
14 same time as the ballot containing the names of other
15 candidates for the general election and shall be returned
16 therewith by the elector to the proper officer in the manner
17 designated by this Act. All provisions of this Act relating to
18 ballots shall apply to such separate ballot, except as
19 otherwise specifically provided in this section. Such separate
20 ballot shall be printed upon paper of a green color. No other
21 ballot at the same election shall be green in color.

22 In precincts in which voting machines are used, the special
23 ballot containing the propositions on the retention of judges
24 may be placed on the voting machines if such voting machines
25 permit the casting of votes on such propositions.

26 An electronic voting system authorized by Article 24A may

1 be used in voting and tabulating the judicial retention
2 ballots. When an electronic voting system is used which
3 utilizes a ballot label booklet and ballot card, there shall be
4 used in the label booklet a separate ballot label page or pages
5 as required for such proposition, which page or pages for such
6 proposition shall be of a green color separate and distinct
7 from the ballot label page or pages used for any other
8 proposition or candidates.

9 (Source: P.A. 92-178, eff. 1-1-02; 92-465, eff. 1-1-02; revised
10 11-25-14.)

11 Section 50. The State Comptroller Act is amended by
12 changing Section 26 as follows:

13 (15 ILCS 405/26)

14 Sec. 26. Illinois Gives Initiative.

15 (a) The Illinois Gives Initiative is hereby created to
16 provide a mechanism whereby an employee or annuitant may
17 authorize the withholding of a portion of his or her salary,
18 wages, or annuity for payment to Illinois chapters of the
19 American Red Cross whose territories include areas affected by
20 a declaration of disaster issued in accordance with Section 7
21 of the Illinois Emergency Management Agency Act.

22 (b) The initiative shall be administered by the State
23 Comptroller, who is authorized to:

24 (1) develop an electronic mechanism whereby an

1 employee or annuitant may register with the Office of the
2 Comptroller for the withholding to be deducted from the
3 next available scheduled pay period;

4 (2) develop policies and procedures necessary for the
5 efficient transmission of the notification of the
6 withholding under this Section to the employee's Payroll
7 Officer or the annuitant's Retirement Agency; and

8 (3) develop policies and procedures necessary for the
9 efficient distribution of the withholdings under this
10 Section to designated Illinois chapters of the American Red
11 Cross.

12 (Source: P.A. 98-700, eff. 7-7-14; revised 11-25-14.)

13 Section 55. The Illinois Act on the Aging is amended by
14 changing Section 8.09 as follows:

15 (20 ILCS 105/8.09)

16 Sec. 8.09. Unlicensed or uncertified facilities. No public
17 official, agent, or employee may place any person in or with,
18 or recommend that any person be placed in or with, or directly
19 or indirectly cause any person to be placed in or with any
20 unlicensed or uncertified: (i) board and care home as defined
21 in the Board and Care Home Act and licensed under the Assisted
22 Living and Shared Housing Act; (ii) assisted living or shared
23 housing establishment as defined in the Assisted Living and
24 Shared Housing Act; (iii) facility licensed under the Nursing

1 Home Care Act; (iv) supportive living facility as described in
2 Section 5-5.01a of the Illinois Public Aid Code; (v)
3 free-standing hospice residence licensed under the Hospice
4 Program Licensing Act; or (vi) home services agency licensed
5 under the Home Health, Home Services, and Home Nursing Agency
6 Licensing Act if licensure or certification is required. No
7 public official, agent, or employee may place the name of such
8 a facility on a list of facilities to be circulated to the
9 public, unless the facility is licensed or certified. Use of
10 the Department of Public Health's annual list of licensed
11 facilities shall satisfy compliance with this Section for all
12 facilities licensed or certified by the Illinois Department of
13 Public Health.

14 (Source: P.A. 96-1318, eff. 7-27-10; revised 11-25-14.)

15 Section 60. The Alcoholism and Other Drug Abuse and
16 Dependency Act is amended by changing Section 40-5 as follows:

17 (20 ILCS 301/40-5)

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

1 program", unless:

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

3 (2) the crime is a violation of Section 401(a), 401(b),
4 401(c) where the person electing treatment has been
5 previously convicted of a non-probationable felony or the
6 violation is non-probationable, 401(d) where the violation
7 is non-probationable, 401.1, 402(a), 405 or 407 of the
8 Illinois Controlled Substances Act, or Section 12-7.3 of
9 the Criminal Code of 2012, or Section 4(d), 4(e), 4(f),
10 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the Cannabis
11 Control Act or Section 15, 20, 55, 60(b)(3), 60(b)(4),
12 60(b)(5), 60(b)(6), or 65 of the Methamphetamine Control
13 and Community Protection Act or is otherwise ineligible for
14 probation under Section 70 of the Methamphetamine Control
15 and Community Protection Act;

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

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

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

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

26 (7) the person has been convicted of residential

1 burglary and has a record of one or more felony
2 convictions;

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

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

13 Nothing in this Section shall preclude an individual who is
14 charged with or convicted of a crime that is a violation of
15 Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control and
16 Community Protection Act, and who is otherwise eligible to make
17 the election provided for under this Section, from being
18 eligible to make an election for treatment as a condition of
19 probation as provided for under this Article.

20 (Source: P.A. 97-889, eff. 1-1-13; 97-1150, eff. 1-25-13;
21 98-896, eff. 1-1-15; 98-1124, eff. 8-26-14; revised 10-1-14.)

22 Section 65. The Children and Family Services Act is amended
23 by changing Section 8 as follows:

24 (20 ILCS 505/8) (from Ch. 23, par. 5008)

1 Sec. 8. Scholarships and fee waivers. Each year the
2 Department shall select a minimum of 53 students (at least 4 of
3 whom shall be children of veterans) to receive scholarships and
4 fee waivers which will enable them to attend and complete their
5 post-secondary education at a community college, university,
6 or college. Youth shall be selected from among the youth for
7 whom the Department has court-ordered legal responsibility,
8 youth who aged out of care at age 18 or older, or youth
9 formerly under care who have been adopted or who have been
10 placed in private guardianship. Recipients must have earned a
11 high school diploma from an accredited institution or, a high
12 school equivalency ~~General Education Development~~ certificate
13 or diploma, or have met the State criteria for high school
14 graduation before the start of the school year for which they
15 are applying for the scholarship and waiver. ~~high school~~
16 ~~equivalency~~ Scholarships and fee waivers shall be available to
17 students for at least 5 years, provided they are continuing to
18 work toward graduation. Unused scholarship dollars and fee
19 waivers shall be reallocated to new recipients. No later than
20 January 1, 2015, the Department shall promulgate rules
21 identifying the criteria for "continuing to work toward
22 graduation" and for reallocating unused scholarships and fee
23 waivers. Selection shall be made on the basis of several
24 factors, including, but not limited to, scholastic record,
25 aptitude, and general interest in higher education. The
26 selection committee shall include at least 2 individuals

1 formerly under the care of the Department who have completed
2 their post-secondary education. In accordance with this Act,
3 tuition scholarships and fee waivers shall be available to such
4 students at any university or college maintained by the State
5 of Illinois. The Department shall provide maintenance and
6 school expenses, except tuition and fees, during the academic
7 years to supplement the students' earnings or other resources
8 so long as they consistently maintain scholastic records which
9 are acceptable to their schools and to the Department. Students
10 may attend other colleges and universities, if scholarships are
11 awarded them, and receive the same benefits for maintenance and
12 other expenses as those students attending any Illinois State
13 community college, university, or college under this Section.
14 Beginning with recipients receiving scholarships and waivers
15 in August 2014, the Department shall collect data and report
16 annually to the General Assembly on measures of success,
17 including (i) the number of youth applying for and receiving
18 scholarships, (ii) the percentage of scholarship recipients
19 who complete their college or university degree within 5 years,
20 (iii) the average length of time it takes for scholarship
21 recipients to complete their college or university degree, (iv)
22 the reasons that scholarship recipients are discharged or fail
23 to complete their college or university degree, (v) when
24 available, youths' outcomes 5 years and 10 years after being
25 awarded the scholarships, and (vi) budget allocations for
26 maintenance and school expenses incurred by the Department.

1 (Source: P.A. 97-799, eff. 7-13-12; 98-718, eff. 1-1-15;
2 98-805, eff. 1-1-15; revised 10-1-14.)

3 Section 70. The High Speed Internet Services and
4 Information Technology Act is amended by changing Section 30 as
5 follows:

6 (20 ILCS 661/30)

7 Sec. 30. High Speed Internet Services and Information
8 Technology Fund.

9 (a) There is created in the State treasury a special fund
10 to be known as the High Speed Internet Services and Information
11 Technology Fund, to be used, subject to appropriation, by the
12 Department of Commerce and Economic Opportunity Development ~~Development~~
13 for purposes of providing grants to the nonprofit organization
14 enlisted under this Act.

15 (b) On the effective date of this Act, \$4,000,000 in the
16 Digital Divide Elimination Infrastructure Fund shall be
17 transferred to the High Speed Internet Services and Information
18 Technology Fund. Nothing contained in this subsection (b) shall
19 affect the validity of grants issued with moneys from the
20 Digital Divide Elimination Infrastructure Fund before June 30,
21 2007.

22 (Source: P.A. 95-684, eff. 10-19-07; revised 11-25-14.)

23 Section 75. The Department of Human Services Act is amended

1 by changing Section 10-66 as follows:

2 (20 ILCS 1305/10-66)

3 Sec. 10-66. Rate reductions. Rates for medical services
4 purchased by the Divisions of Alcoholism ~~Alcohol~~ and Substance
5 Abuse, Community Health and Prevention, Developmental
6 Disabilities, Mental Health, or Rehabilitation Services within
7 the Department of Human Services shall not be reduced below the
8 rates calculated on April 1, 2011 unless the Department of
9 Human Services promulgates rules and rules are implemented
10 authorizing rate reductions.

11 (Source: P.A. 97-74, eff. 6-30-11; revised 11-25-14.)

12 Section 80. The Mental Health and Developmental
13 Disabilities Administrative Act is amended by changing
14 Sections 15.4 and 18.6 as follows:

15 (20 ILCS 1705/15.4)

16 Sec. 15.4. Authorization for nursing delegation to permit
17 direct care staff to administer medications.

18 (a) This Section applies to (i) all programs for persons
19 with a developmental disability in settings of 16 persons or
20 fewer that are funded or licensed by the Department of Human
21 Services and that distribute or administer medications and (ii)
22 all intermediate care facilities for the developmentally
23 disabled with 16 beds or fewer that are licensed by the

1 Department of Public Health. The Department of Human Services
2 shall develop a training program for authorized direct care
3 staff to administer medications under the supervision and
4 monitoring of a registered professional nurse. This training
5 program shall be developed in consultation with professional
6 associations representing (i) physicians licensed to practice
7 medicine in all its branches, (ii) registered professional
8 nurses, and (iii) pharmacists.

9 (b) For the purposes of this Section:

10 "Authorized direct care staff" means non-licensed persons
11 who have successfully completed a medication administration
12 training program approved by the Department of Human Services
13 and conducted by a nurse-trainer. This authorization is
14 specific to an individual receiving service in a specific
15 agency and does not transfer to another agency.

16 "Medications" means oral and topical medications, insulin
17 in an injectable form, oxygen, epinephrine auto-injectors, and
18 vaginal and rectal creams and suppositories. "Oral" includes
19 inhalants and medications administered through enteral tubes,
20 utilizing aseptic technique. "Topical" includes eye, ear, and
21 nasal medications. Any controlled substances must be packaged
22 specifically for an identified individual.

23 "Insulin in an injectable form" means a subcutaneous
24 injection via an insulin pen pre-filled by the manufacturer.
25 Authorized direct care staff may administer insulin, as ordered
26 by a physician, advanced practice nurse, or physician

1 assistant, if: (i) the staff has successfully completed a
2 Department-approved advanced training program specific to
3 insulin administration developed in consultation with
4 professional associations listed in subsection (a) of this
5 Section, and (ii) the staff consults with the registered nurse,
6 prior to administration, of any insulin dose that is determined
7 based on a blood glucose test result. The authorized direct
8 care staff shall not: (i) calculate the insulin dosage needed
9 when the dose is dependent upon a blood glucose test result, or
10 (ii) administer insulin to individuals who require blood
11 glucose monitoring greater than 3 times daily, unless directed
12 to do so by the registered nurse.

13 "Nurse-trainer training program" means a standardized,
14 competency-based medication administration train-the-trainer
15 program provided by the Department of Human Services and
16 conducted by a Department of Human Services master
17 nurse-trainer for the purpose of training nurse-trainers to
18 train persons employed or under contract to provide direct care
19 or treatment to individuals receiving services to administer
20 medications and provide self-administration of medication
21 training to individuals under the supervision and monitoring of
22 the nurse-trainer. The program incorporates adult learning
23 styles, teaching strategies, classroom management, and a
24 curriculum overview, including the ethical and legal aspects of
25 supervising those administering medications.

26 "Self-administration of medications" means an individual

1 administers his or her own medications. To be considered
2 capable to self-administer their own medication, individuals
3 must, at a minimum, be able to identify their medication by
4 size, shape, or color, know when they should take the
5 medication, and know the amount of medication to be taken each
6 time.

7 "Training program" means a standardized medication
8 administration training program approved by the Department of
9 Human Services and conducted by a registered professional nurse
10 for the purpose of training persons employed or under contract
11 to provide direct care or treatment to individuals receiving
12 services to administer medications and provide
13 self-administration of medication training to individuals
14 under the delegation and supervision of a nurse-trainer. The
15 program incorporates adult learning styles, teaching
16 strategies, classroom management, curriculum overview,
17 including ethical-legal aspects, and standardized
18 competency-based evaluations on administration of medications
19 and self-administration of medication training programs.

20 (c) Training and authorization of non-licensed direct care
21 staff by nurse-trainers must meet the requirements of this
22 subsection.

23 (1) Prior to training non-licensed direct care staff to
24 administer medication, the nurse-trainer shall perform the
25 following for each individual to whom medication will be
26 administered by non-licensed direct care staff:

1 (A) An assessment of the individual's health
2 history and physical and mental status.

3 (B) An evaluation of the medications prescribed.

4 (2) Non-licensed authorized direct care staff shall
5 meet the following criteria:

6 (A) Be 18 years of age or older.

7 (B) Have completed high school or have a high
8 school equivalency certificate.

9 (C) Have demonstrated functional literacy.

10 (D) Have satisfactorily completed the Health and
11 Safety component of a Department of Human Services
12 authorized direct care staff training program.

13 (E) Have successfully completed the training
14 program, pass the written portion of the comprehensive
15 exam, and score 100% on the competency-based
16 assessment specific to the individual and his or her
17 medications.

18 (F) Have received additional competency-based
19 assessment by the nurse-trainer as deemed necessary by
20 the nurse-trainer whenever a change of medication
21 occurs or a new individual that requires medication
22 administration enters the program.

23 (3) Authorized direct care staff shall be re-evaluated
24 by a nurse-trainer at least annually or more frequently at
25 the discretion of the registered professional nurse. Any
26 necessary retraining shall be to the extent that is

1 necessary to ensure competency of the authorized direct
2 care staff to administer medication.

3 (4) Authorization of direct care staff to administer
4 medication shall be revoked if, in the opinion of the
5 registered professional nurse, the authorized direct care
6 staff is no longer competent to administer medication.

7 (5) The registered professional nurse shall assess an
8 individual's health status at least annually or more
9 frequently at the discretion of the registered
10 professional nurse.

11 (d) Medication self-administration shall meet the
12 following requirements:

13 (1) As part of the normalization process, in order for
14 each individual to attain the highest possible level of
15 independent functioning, all individuals shall be
16 permitted to participate in their total health care
17 program. This program shall include, but not be limited to,
18 individual training in preventive health and
19 self-medication procedures.

20 (A) Every program shall adopt written policies and
21 procedures for assisting individuals in obtaining
22 preventative health and self-medication skills in
23 consultation with a registered professional nurse,
24 advanced practice nurse, physician assistant, or
25 physician licensed to practice medicine in all its
26 branches.

1 (B) Individuals shall be evaluated to determine
2 their ability to self-medicate by the nurse-trainer
3 through the use of the Department's required,
4 standardized screening and assessment instruments.

5 (C) When the results of the screening and
6 assessment indicate an individual not to be capable to
7 self-administer his or her own medications, programs
8 shall be developed in consultation with the Community
9 Support Team or Interdisciplinary Team to provide
10 individuals with self-medication administration.

11 (2) Each individual shall be presumed to be competent
12 to self-administer medications if:

13 (A) authorized by an order of a physician licensed
14 to practice medicine in all its branches; and

15 (B) approved to self-administer medication by the
16 individual's Community Support Team or
17 Interdisciplinary Team, which includes a registered
18 professional nurse or an advanced practice nurse.

19 (e) Quality Assurance.

20 (1) A registered professional nurse, advanced practice
21 nurse, licensed practical nurse, physician licensed to
22 practice medicine in all its branches, physician
23 assistant, or pharmacist shall review the following for all
24 individuals:

25 (A) Medication orders.

26 (B) Medication labels, including medications

1 listed on the medication administration record for
2 persons who are not self-medicating to ensure the
3 labels match the orders issued by the physician
4 licensed to practice medicine in all its branches,
5 advanced practice nurse, or physician assistant.

6 (C) Medication administration records for persons
7 who are not self-medicating to ensure that the records
8 are completed appropriately for:

9 (i) medication administered as prescribed;

10 (ii) refusal by the individual; and

11 (iii) full signatures provided for all
12 initials used.

13 (2) Reviews shall occur at least quarterly, but may be
14 done more frequently at the discretion of the registered
15 professional nurse or advanced practice nurse.

16 (3) A quality assurance review of medication errors and
17 data collection for the purpose of monitoring and
18 recommending corrective action shall be conducted within 7
19 days and included in the required annual review.

20 (f) Programs using authorized direct care staff to
21 administer medications are responsible for documenting and
22 maintaining records on the training that is completed.

23 (g) The absence of this training program constitutes a
24 threat to the public interest, safety, and welfare and
25 necessitates emergency rulemaking by the Departments of Human
26 Services and Public Health under Section 5-45 of the Illinois

1 Administrative Procedure Act.

2 (h) Direct care staff who fail to qualify for delegated
3 authority to administer medications pursuant to the provisions
4 of this Section shall be given additional education and testing
5 to meet criteria for delegation authority to administer
6 medications. Any direct care staff person who fails to qualify
7 as an authorized direct care staff after initial training and
8 testing must within 3 months be given another opportunity for
9 retraining and retesting. A direct care staff person who fails
10 to meet criteria for delegated authority to administer
11 medication, including, but not limited to, failure of the
12 written test on 2 occasions shall be given consideration for
13 shift transfer or reassignment, if possible. No employee shall
14 be terminated for failure to qualify during the 3-month time
15 period following initial testing. Refusal to complete training
16 and testing required by this Section may be grounds for
17 immediate dismissal.

18 (i) No authorized direct care staff person delegated to
19 administer medication shall be subject to suspension or
20 discharge for errors resulting from the staff person's acts or
21 omissions when performing the functions unless the staff
22 person's actions or omissions constitute willful and wanton
23 conduct. Nothing in this subsection is intended to supersede
24 paragraph (4) of subsection (c).

25 (j) A registered professional nurse, advanced practice
26 nurse, physician licensed to practice medicine in all its

1 branches, or physician assistant shall be on duty or on call at
2 all times in any program covered by this Section.

3 (k) The employer shall be responsible for maintaining
4 liability insurance for any program covered by this Section.

5 (l) Any direct care staff person who qualifies as
6 authorized direct care staff pursuant to this Section shall be
7 granted consideration for a one-time additional salary
8 differential. The Department shall determine and provide the
9 necessary funding for the differential in the base. This
10 subsection (l) is inoperative on and after June 30, 2000.

11 (Source: P.A. 98-718, eff. 1-1-15; 98-901, eff. 8-15-14;
12 revised 10-2-14.)

13 (20 ILCS 1705/18.6)

14 (Section scheduled to be repealed on December 31, 2019)

15 Sec. 18.6. Mental Health Services Strategic Planning Task
16 Force.

17 (a) Task Force. The Mental Health Services Strategic
18 Planning Task Force is created.

19 (b) Meeting. The Task Force shall be appointed and hold its
20 first meeting within 90 days after the effective date of this
21 amendatory Act of the 97th General Assembly.

22 (c) Composition. The Task Force shall be comprised of the
23 following members:

24 (1) Two members of the Senate appointed by the
25 President of the Senate and 2 members of the Senate

1 appointed by the Minority Leader of the Senate.

2 (2) Two members of the House of Representatives
3 appointed by the Speaker of the House of Representatives
4 and 2 members of the House of Representatives appointed by
5 the Minority Leader of the House of Representatives.

6 (3) One representative of the Division of Mental Health
7 within the Department of Human Services.

8 (4) One representative of the Department of Healthcare
9 and Family Services.

10 (5) One representative of the Bureau of Long Term Care
11 within the Department of Public Health.

12 (6) One representative of the Illinois Children's
13 Mental Health Partnership.

14 (7) Six representatives of the mental health providers
15 and community stakeholders selected from names submitted
16 by associates representing the various types of providers.

17 (8) Three representatives of the consumer community
18 including a primary consumer, secondary consumer, and a
19 representative of a mental health consumer advocacy
20 organization.

21 (9) An individual from a union representing State
22 employees providing services to persons with mental
23 illness.

24 (10) One academic specialist in mental health
25 outcomes, research, and evidence-based practices.

26 (d) Duty. The Task Force shall meet with the Office of the

1 Governor and the appropriate legislative committees on mental
2 health to develop a 5-year comprehensive strategic plan for the
3 State's mental health services. The plan shall address the
4 following topics:

5 (1) Provide sufficient home and community-based
6 services to give consumers real options in care settings.

7 (2) Improve access to care.

8 (3) Reduce regulatory redundancy.

9 (4) Maintain financial viability for providers in a
10 cost-effective manner to the State.

11 (5) Ensure care is effective, efficient, and
12 appropriate regardless of the setting in which it is
13 provided.

14 (6) Ensure quality of care in all care settings via the
15 use of appropriate clinical outcomes.

16 (7) Ensure hospitalizations and institutional care,
17 when necessary, is available to meet demand now and in the
18 future.

19 (e) The Task Force shall work in conjunction with the
20 Department of Human Services' Division of Developmental
21 Disabilities to ensure effective treatment for those dually
22 diagnosed with both mental illness and developmental
23 disabilities. The Task Force shall also work in conjunction
24 with the Department of Human Services' Division of Alcoholism
25 ~~Alcohol~~ and Substance Abuse to ensure effective treatment for
26 those who are dually diagnosed with both mental illness as well

1 as substance abuse challenges.

2 (f) Compensation. Members of the Task Force shall not
3 receive compensation nor reimbursement for necessary expenses
4 incurred in performing the duties associated with the Task
5 Force.

6 (g) Reporting. The Task Force shall present its plan to the
7 Governor and the General Assembly no later than 18 months after
8 the effective date of the amendatory Act of the 97th General
9 Assembly. With its approval and authorization, and subject to
10 appropriation, the Task Force shall convene quarterly meetings
11 during the implementation of the 5-year strategic plan to
12 monitor progress, review outcomes, and make ongoing
13 recommendations. These ongoing recommendations shall be
14 presented to the Governor and the General Assembly for
15 feedback, suggestions, support, and approval. Within one year
16 after recommendations are presented to the Governor and the
17 General Assembly, the General Assembly shall vote on whether
18 the recommendations should become law.

19 (h) Administrative support. The Department of Human
20 Services shall provide administrative and staff support to the
21 Task Force.

22 (i) This Section is repealed on December 31, 2019.

23 (Source: P.A. 97-438, eff. 8-18-11; revised 11-25-14.)

24 Section 85. The Department of Public Health Act is amended
25 by changing Section 2.1 as follows:

1 (20 ILCS 2305/2.1)

2 Sec. 2.1. Information sharing.

3 (a) Whenever a State or local law enforcement authority
4 learns of a case of an illness, health condition, or unusual
5 disease or symptom cluster, reportable pursuant to rules
6 adopted by the Department or by a local board of health or
7 local public health authority, or a suspicious event that may
8 be the cause of or related to a public health emergency, as
9 that term is defined in Section 4 of the Illinois Emergency
10 Management Agency Act, it shall immediately notify the Illinois
11 Emergency Management Agency and the Department or local board
12 of health or local public health authority.

13 (b) Whenever the Department or a local board of health or
14 local public health authority learns of a case of an illness,
15 health condition, or unusual disease or symptom cluster,
16 reportable pursuant to rules adopted by the Department or by a
17 local board of health or a local public health authority, or a
18 suspicious event that it reasonably believes has the potential
19 to be the cause of or related to a public health emergency, as
20 that term is defined in Section 4 of the Illinois Emergency
21 Management Agency Act, it shall immediately notify the Illinois
22 Emergency Management Agency, the appropriate State and local
23 law enforcement authorities, other appropriate State agencies,
24 and federal health and law enforcement authorities and, after
25 that notification, it shall provide law enforcement

1 authorities with such other information as law enforcement
2 authorities may request for the purpose of conducting a
3 criminal investigation or a criminal prosecution of or arising
4 out of that matter. No information containing the identity or
5 tending to reveal the identity of any person may be redisclosed
6 by law enforcement, except in a prosecution of that person for
7 the commission of a crime.

8 (c) Sharing of information on reportable illnesses, health
9 conditions, unusual disease or symptom clusters, or suspicious
10 events between and among public health and law enforcement
11 authorities shall be restricted to the information necessary
12 for the treatment in response to, control of, investigation of,
13 and prevention of a public health emergency, as that term is
14 defined in Section 4 of the Illinois Emergency Management
15 Agency Act, or for criminal investigation or criminal
16 prosecution of or arising out of that matter.

17 (d) The operation of the language of this Section is not
18 dependent upon a declaration of disaster by the Governor
19 pursuant to the Illinois Emergency Management Agency Act.

20 (Source: P.A. 93-829, eff. 7-28-04; revised 11-25-14.)

21 Section 90. The Illinois Commission on Volunteerism and
22 Community Service Act is amended by changing Section 6.1 as
23 follows:

24 (20 ILCS 2330/6.1) (was 20 ILCS 710/6.1)

1 Sec. 6.1. Functions of Commission. The Commission shall
2 meet at least quarterly and shall advise and consult with the
3 Department of Public Health and the Governor's Office on all
4 matters relating to community service in Illinois. In addition,
5 the Commission shall have the following duties:

6 (a) prepare a 3-year State service plan, developed
7 through an open, public process and updated annually;

8 (b) prepare the financial assistance applications of
9 the State under the National and Community Service Trust
10 Fund Act of 1993, as amended by the Serve America Act;

11 (c) assist in the preparation of the application by the
12 State Board of Education for assistance under that Act;

13 (d) prepare the State's application under that Act for
14 the approval of national service positions;

15 (e) assist in the provision of health care and child
16 care benefits under that Act;

17 (f) develop a State recruitment, placement, and
18 information dissemination system for participants in
19 programs that receive assistance under the national
20 service laws;

21 (g) administer the State's grant program including
22 selection, oversight, and evaluation of grant recipients;

23 (h) make technical assistance available to enable
24 applicants to plan and implement service programs and to
25 apply for assistance under the national service laws;

26 (i) develop projects, training methods, curriculum

1 materials, and other activities related to service;

2 (j) coordinate its functions with any division of the
3 federal Corporation for National and Community Service
4 outlined in the National and Community Service Trust Fund
5 Act of 1993, as amended by the Serve America Act;~~;~~

6 (k) publicize Commission services and promote
7 community involvement in the activities of the Commission;

8 (l) promote increased visibility and support for
9 volunteers of all ages, especially youth and senior
10 citizens, and community service in meeting the needs of
11 Illinois residents; and

12 (m) represent the Department of Public Health and the
13 Governor's Office on such occasions and in such manner as
14 the Department may provide.

15 (Source: P.A. 98-692, eff. 7-1-14; revised 11-25-14.)

16 Section 95. The Blind Vendors Act is amended by changing
17 Section 30 as follows:

18 (20 ILCS 2421/30)

19 Sec. 30. Vending machine income and compliance.

20 (a) Except as provided in subsections (b), (c), (d), (e),
21 and (i) of this Section, after July 1, 2010, all vending
22 machine income, as defined by this Act, from vending machines
23 on State property shall accrue to (1) the blind vendor
24 operating the vending facilities on the property or (2) in the

1 event there is no blind vendor operating a facility on the
2 property, the Blind Vendors Trust Fund for use exclusively as
3 set forth in subsection (a) of Section 25 of this Act.

4 (b) Notwithstanding the provisions of subsection (a) of
5 this Section, all State university cafeterias and vending
6 machines are exempt from this Act.

7 (c) Notwithstanding the provisions of subsection (a) of
8 this Section, all vending facilities at the Governor Samuel H.
9 Shapiro Developmental Center in Kankakee are exempt from this
10 Act.

11 (d) Notwithstanding the provisions of subsection (a) of
12 this Section, in the event there is no blind vendor operating a
13 vending facility on the State property, all vending machine
14 income, as defined in this Act, from vending machines on the
15 State property of the Department of Corrections and the
16 Department of Juvenile Justice shall accrue to the State agency
17 and be allocated in accordance with the commissary provisions
18 in the Unified Code of Corrections.

19 (e) Notwithstanding the provisions of subsection (a) of
20 this Section, in the event a blind vendor is operating a
21 vending facility on the State property of the Department of ~~or~~
22 Corrections or the Department of Juvenile Justice, a commission
23 shall be paid to the State agency equal to 10% of the net
24 proceeds from vending machines servicing State employees and
25 25% of the net proceeds from vending machines servicing
26 visitors on the State property.

1 (f) The Secretary, directly or by delegation of authority,
2 shall ensure compliance with this Section and Section 15 of
3 this Act with respect to buildings, installations, facilities,
4 roadside rest stops, and any other State property, and shall be
5 responsible for the collection of, and accounting for, all
6 vending machine income on this property. The Secretary shall
7 enforce these provisions through litigation, arbitration, or
8 any other legal means available to the State, and each State
9 agency in control of this property shall be subject to the
10 enforcement. State agencies or departments failing to comply
11 with an order of the Department may be held in contempt in any
12 court of general jurisdiction.

13 (g) Any limitation on the placement or operation of a
14 vending machine by a State agency based on a determination that
15 such placement or operation would adversely affect the
16 interests of the State must be explained in writing to the
17 Secretary. The Secretary shall promptly determine whether the
18 limitation is justified. If the Secretary determines that the
19 limitation is not justified, the State agency seeking the
20 limitation shall immediately remove the limitation.

21 (h) The amount of vending machine income accruing from
22 vending machines on State property that may be used for the
23 functions of the Committee shall be determined annually by a
24 two-thirds vote of the Committee, except that no more than 25%
25 of the annual vending machine income may be used by the
26 Committee for this purpose, based upon the income accruing to

1 the Blind Vendors Trust Fund in the preceding year. The
2 Committee may establish its budget and expend funds through
3 contract or otherwise without the approval of the Department.

4 (i) Notwithstanding the provisions of subsection (a) of
5 this Section, with respect to vending machines located on any
6 facility or property controlled or operated by the Division of
7 Mental Health or the Division of Developmental Disabilities
8 within the Department of Human Services:

9 (1) Any written contract in place as of the effective
10 date of this Act between the Division and the Business
11 Enterprise Program for the Blind shall be maintained and
12 fully adhered to including any moneys paid to the
13 individual facilities.

14 (2) With respect to existing vending machines with no
15 written contract or agreement in place as of the effective
16 date of this Act between the Division and a private vendor,
17 bottler, or vending machine supplier, the Business
18 Enterprise Program for the Blind has the right to provide
19 the vending services as provided in this Act, provided that
20 the blind vendor must provide 10% of gross sales from those
21 machines to the individual facilities.

22 (Source: P.A. 96-644, eff. 1-1-10; revised 11-25-14.)

23 Section 100. The Criminal Identification Act is amended by
24 changing Sections 4.5 and 5.2 as follows:

1 (20 ILCS 2630/4.5)

2 Sec. 4.5. Ethnic and racial data collection.

3 (a) Ethnic and racial data for every adult or juvenile
4 arrested shall be collected at the following points of contact
5 by the entity identified in this subsection or another entity
6 authorized and qualified to collect and report on this data:

7 (1) at arrest or booking, by the supervising law
8 enforcement agency;

9 (2) upon admittance to the Department of Corrections,
10 by the Department of Corrections;

11 (3) upon admittance to the Department of Juvenile
12 Justice, by the Department of Juvenile Justice; and

13 (4) ~~(3)~~ upon transfer from the Department of Juvenile
14 Justice to the Department of Corrections, by the Department
15 of Juvenile Justice.

16 (b) Ethnic and racial data shall be collected through
17 selection of one of the following categories:

18 (1) American Indian or Alaskan Native;

19 (2) Asian or Pacific Islander;

20 (3) Black or African American;

21 (4) White or Caucasian;

22 (5) Hispanic or Latino; or

23 (6) Unknown.

24 (c) The collecting entity shall make a good-faith effort to
25 collect race and ethnicity information as self-reported by the
26 adult or juvenile. If the adult or juvenile is unable or

1 unwilling to provide race and ethnicity information, the
2 collecting entity shall make a good-faith effort to deduce the
3 race and ethnicity of the adult or juvenile.

4 (Source: P.A. 98-528, eff. 1-1-15; revised 11-25-14.)

5 (20 ILCS 2630/5.2)

6 Sec. 5.2. Expungement and sealing.

7 (a) General Provisions.

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

11 (A) The following terms shall have the meanings
12 ascribed to them in the Unified Code of Corrections,
13 730 ILCS 5/5-1-2 through 5/5-1-22:

- 14 (i) Business Offense (730 ILCS 5/5-1-2),
15 (ii) Charge (730 ILCS 5/5-1-3),
16 (iii) Court (730 ILCS 5/5-1-6),
17 (iv) Defendant (730 ILCS 5/5-1-7),
18 (v) Felony (730 ILCS 5/5-1-9),
19 (vi) Imprisonment (730 ILCS 5/5-1-10),
20 (vii) Judgment (730 ILCS 5/5-1-12),
21 (viii) Misdemeanor (730 ILCS 5/5-1-14),
22 (ix) Offense (730 ILCS 5/5-1-15),
23 (x) Parole (730 ILCS 5/5-1-16),
24 (xi) Petty Offense (730 ILCS 5/5-1-17),
25 (xii) Probation (730 ILCS 5/5-1-18),

- 1 (xiii) Sentence (730 ILCS 5/5-1-19),
2 (xiv) Supervision (730 ILCS 5/5-1-21), and
3 (xv) Victim (730 ILCS 5/5-1-22).

4 (B) As used in this Section, "charge not initiated
5 by arrest" means a charge (as defined by 730 ILCS
6 5/5-1-3) brought against a defendant where the
7 defendant is not arrested prior to or as a direct
8 result of the charge.

9 (C) "Conviction" means a judgment of conviction or
10 sentence entered upon a plea of guilty or upon a
11 verdict or finding of guilty of an offense, rendered by
12 a legally constituted jury or by a court of competent
13 jurisdiction authorized to try the case without a jury.
14 An order of supervision successfully completed by the
15 petitioner is not a conviction. An order of qualified
16 probation (as defined in subsection (a)(1)(J))
17 successfully completed by the petitioner is not a
18 conviction. An order of supervision or an order of
19 qualified probation that is terminated
20 unsatisfactorily is a conviction, unless the
21 unsatisfactory termination is reversed, vacated, or
22 modified and the judgment of conviction, if any, is
23 reversed or vacated.

24 (D) "Criminal offense" means a petty offense,
25 business offense, misdemeanor, felony, or municipal
26 ordinance violation (as defined in subsection

1 (a)(1)(H)). As used in this Section, a minor traffic
2 offense (as defined in subsection (a)(1)(G)) shall not
3 be considered a criminal offense.

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

13 (F) As used in this Section, "last sentence" means
14 the sentence, order of supervision, or order of
15 qualified probation (as defined by subsection
16 (a)(1)(J)), for a criminal offense (as defined by
17 subsection (a)(1)(D)) that terminates last in time in
18 any jurisdiction, regardless of whether the petitioner
19 has included the criminal offense for which the
20 sentence or order of supervision or qualified
21 probation was imposed in his or her petition. If
22 multiple sentences, orders of supervision, or orders
23 of qualified probation terminate on the same day and
24 are last in time, they shall be collectively considered
25 the "last sentence" regardless of whether they were
26 ordered to run concurrently.

1 (G) "Minor traffic offense" means a petty offense,
2 business offense, or Class C misdemeanor under the
3 Illinois Vehicle Code or a similar provision of a
4 municipal or local ordinance.

5 (H) "Municipal ordinance violation" means an
6 offense defined by a municipal or local ordinance that
7 is criminal in nature and with which the petitioner was
8 charged or for which the petitioner was arrested and
9 released without charging.

10 (I) "Petitioner" means an adult or a minor
11 prosecuted as an adult who has applied for relief under
12 this Section.

13 (J) "Qualified probation" means an order of
14 probation under Section 10 of the Cannabis Control Act,
15 Section 410 of the Illinois Controlled Substances Act,
16 Section 70 of the Methamphetamine Control and
17 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
18 of the Unified Code of Corrections, Section
19 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
20 those provisions existed before their deletion by
21 Public Act 89-313), Section 10-102 of the Illinois
22 Alcoholism and Other Drug Dependency Act, Section
23 40-10 of the Alcoholism and Other Drug Abuse and
24 Dependency Act, or Section 10 of the Steroid Control
25 Act. For the purpose of this Section, "successful
26 completion" of an order of qualified probation under

1 Section 10-102 of the Illinois Alcoholism and Other
2 Drug Dependency Act and Section 40-10 of the Alcoholism
3 and Other Drug Abuse and Dependency Act means that the
4 probation was terminated satisfactorily and the
5 judgment of conviction was vacated.

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

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

20 (M) "Terminate" as it relates to a sentence or
21 order of supervision or qualified probation includes
22 either satisfactory or unsatisfactory termination of
23 the sentence, unless otherwise specified in this
24 Section.

25 (2) Minor Traffic Offenses. Orders of supervision or
26 convictions for minor traffic offenses shall not affect a

1 petitioner's eligibility to expunge or seal records
2 pursuant to this Section.

3 (3) Exclusions. Except as otherwise provided in
4 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)
5 of this Section, the court shall not order:

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

21 (B) the sealing or expungement of records of minor
22 traffic offenses (as defined in subsection (a)(1)(G)),
23 unless the petitioner was arrested and released
24 without charging.

25 (C) the sealing of the records of arrests or
26 charges not initiated by arrest which result in an

1 order of supervision or a conviction for the following
2 offenses:

3 (i) offenses included in Article 11 of the
4 Criminal Code of 1961 or the Criminal Code of 2012
5 or a similar provision of a local ordinance, except
6 Section 11-14 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, or a similar provision of a
8 local ordinance;

9 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
10 26-5, or 48-1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, or a similar provision of a
12 local ordinance;

13 (iii) Sections 12-3.1 or 12-3.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012,
15 or Section 125 of the Stalking No Contact Order
16 Act, or Section 219 of the Civil No Contact Order
17 Act, or a similar provision of a local ordinance;

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

20 (v) any offense or attempted offense that
21 would subject a person to registration under the
22 Sex Offender Registration Act.

23 (D) the sealing of the records of an arrest which
24 results in the petitioner being charged with a felony
25 offense or records of a charge not initiated by arrest
26 for a felony offense unless:

1 (i) the charge is amended to a misdemeanor and
2 is otherwise eligible to be sealed pursuant to
3 subsection (c);

4 (ii) the charge is brought along with another
5 charge as a part of one case and the charge results
6 in acquittal, dismissal, or conviction when the
7 conviction was reversed or vacated, and another
8 charge brought in the same case results in a
9 disposition for a misdemeanor offense that is
10 eligible to be sealed pursuant to subsection (c) or
11 a disposition listed in paragraph (i), (iii), or
12 (iv) of this subsection;

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

15 (iv) the charge is for a felony offense listed
16 in subsection (c) (2) (F) or the charge is amended to
17 a felony offense listed in subsection (c) (2) (F);

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

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

23 (b) Expungement.

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

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

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

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

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

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

26 (i) Those arrests or charges that resulted in

1 orders of supervision under Section 3-707, 3-708,
2 3-710, or 5-401.3 of the Illinois Vehicle Code or a
3 similar provision of a local ordinance, or under
4 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
5 Code of 1961 or the Criminal Code of 2012, or a
6 similar provision of a local ordinance, shall not
7 be eligible for expungement until 5 years have
8 passed following the satisfactory termination of
9 the supervision.

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

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

26 (C) When the arrest or charge not initiated by

1 arrest sought to be expunged resulted in an order of
2 qualified probation, successfully completed by the
3 petitioner, such records shall not be eligible for
4 expungement until 5 years have passed following the
5 satisfactory termination of the probation.

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

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

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

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

1 concerning the offense available for public inspection.

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

10 (7) Nothing in this Section shall prevent the
11 Department of State Police from maintaining all records of
12 any person who is admitted to probation upon terms and
13 conditions and who fulfills those terms and conditions
14 pursuant to Section 10 of the Cannabis Control Act, Section
15 410 of the Illinois Controlled Substances Act, Section 70
16 of the Methamphetamine Control and Community Protection
17 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
18 Corrections, Section 12-4.3 or subdivision (b)(1) of
19 Section 12-3.05 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, Section 10-102 of the Illinois
21 Alcoholism and Other Drug Dependency Act, Section 40-10 of
22 the Alcoholism and Other Drug Abuse and Dependency Act, or
23 Section 10 of the Steroid Control Act.

24 (8) If the petitioner has been granted a certificate of
25 innocence under Section 2-702 of the Code of Civil
26 Procedure, the court that grants the certificate of

1 innocence shall also enter an order expunging the
2 conviction for which the petitioner has been determined to
3 be innocent as provided in subsection (h) of Section 2-702
4 of the Code of Civil Procedure.

5 (c) Sealing.

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

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

13 (A) All arrests resulting in release without
14 charging;

15 (B) Arrests or charges not initiated by arrest
16 resulting in acquittal, dismissal, or conviction when
17 the conviction was reversed or vacated, except as
18 excluded by subsection (a) (3) (B);

19 (C) Arrests or charges not initiated by arrest
20 resulting in orders of supervision, including orders
21 of supervision for municipal ordinance violations,
22 successfully completed by the petitioner, unless
23 excluded by subsection (a) (3);

24 (D) Arrests or charges not initiated by arrest
25 resulting in convictions, including convictions on
26 municipal ordinance violations, unless excluded by

1 subsection (a) (3);

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

9 (F) Arrests or charges not initiated by arrest
10 resulting in felony convictions for the following
11 offenses:

12 (i) Class 4 felony convictions for:

13 Prostitution under Section 11-14 of the
14 Criminal Code of 1961 or the Criminal Code of
15 2012.

16 Possession of cannabis under Section 4 of
17 the Cannabis Control Act.

18 Possession of a controlled substance under
19 Section 402 of the Illinois Controlled
20 Substances Act.

21 Offenses under the Methamphetamine
22 Precursor Control Act.

23 Offenses under the Steroid Control Act.

24 Theft under Section 16-1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 Retail theft under Section 16A-3 or

1 paragraph (a) of 16-25 of the Criminal Code of
2 1961 or the Criminal Code of 2012.

3 Deceptive practices under Section 17-1 of
4 the Criminal Code of 1961 or the Criminal Code
5 of 2012.

6 Forgery under Section 17-3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012.

8 Possession of burglary tools under Section
9 19-2 of the Criminal Code of 1961 or the
10 Criminal Code of 2012.

11 (ii) Class 3 felony convictions for:

12 Theft under Section 16-1 of the Criminal
13 Code of 1961 or the Criminal Code of 2012.

14 Retail theft under Section 16A-3 or
15 paragraph (a) of 16-25 of the Criminal Code of
16 1961 or the Criminal Code of 2012.

17 Deceptive practices under Section 17-1 of
18 the Criminal Code of 1961 or the Criminal Code
19 of 2012.

20 Forgery under Section 17-3 of the Criminal
21 Code of 1961 or the Criminal Code of 2012.

22 Possession with intent to manufacture or
23 deliver a controlled substance under Section
24 401 of the Illinois Controlled Substances Act.

25 (3) When Records Are Eligible to Be Sealed. Records
26 identified as eligible under subsection (c)(2) may be

1 sealed as follows:

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

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

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

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

23 (4) Subsequent felony convictions. A person may not
24 have subsequent felony conviction records sealed as
25 provided in this subsection (c) if he or she is convicted
26 of any felony offense after the date of the sealing of

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

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

10 (d) Procedure. The following procedures apply to
11 expungement under subsections (b), (e), and (e-6) and sealing
12 under subsections (c) and (e-5):

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

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

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

10 (3) Drug test. The petitioner must attach to the
11 petition proof that the petitioner has passed a test taken
12 within 30 days before the filing of the petition showing
13 the absence within his or her body of all illegal
14 substances as defined by the Illinois Controlled
15 Substances Act, the Methamphetamine Control and Community
16 Protection Act, and the Cannabis Control Act if he or she
17 is petitioning to:

18 (A) seal felony records under clause (c) (2) (E);

19 (B) seal felony records for a violation of the
20 Illinois Controlled Substances Act, the
21 Methamphetamine Control and Community Protection Act,
22 or the Cannabis Control Act under clause (c) (2) (F);

23 (C) seal felony records under subsection (e-5); or

24 (D) expunge felony records of a qualified
25 probation under clause (b) (1) (B) (iv).

26 (4) Service of petition. The circuit court clerk shall

1 promptly serve a copy of the petition and documentation to
2 support the petition under subsection (e-5) or (e-6) on the
3 State's Attorney or prosecutor charged with the duty of
4 prosecuting the offense, the Department of State Police,
5 the arresting agency and the chief legal officer of the
6 unit of local government effecting the arrest.

7 (5) Objections.

8 (A) Any party entitled to notice of the petition
9 may file an objection to the petition. All objections
10 shall be in writing, shall be filed with the circuit
11 court clerk, and shall state with specificity the basis
12 of the objection. Whenever a person who has been
13 convicted of an offense is granted a pardon by the
14 Governor which specifically authorizes expungement, an
15 objection to the petition may not be filed.

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

19 (6) Entry of order.

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

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

7 (7) Hearings. If an objection is filed, the court shall
8 set a date for a hearing and notify the petitioner and all
9 parties entitled to notice of the petition of the hearing
10 date at least 30 days prior to the hearing. Prior to the
11 hearing, the State's Attorney shall consult with the
12 Department as to the appropriateness of the relief sought
13 in the petition to expunge or seal. At the hearing, the
14 court shall hear evidence on whether the petition should or
15 should not be granted, and shall grant or deny the petition
16 to expunge or seal the records based on the evidence
17 presented at the hearing. The court may consider the
18 following:

19 (A) the strength of the evidence supporting the
20 defendant's conviction;

21 (B) the reasons for retention of the conviction
22 records by the State;

23 (C) the petitioner's age, criminal record history,
24 and employment history;

25 (D) the period of time between the petitioner's
26 arrest on the charge resulting in the conviction and

1 the filing of the petition under this Section; and

2 (E) the specific adverse consequences the
3 petitioner may be subject to if the petition is denied.

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

13 (9) Implementation of order.

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

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

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

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

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

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

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

20 (ii) the records of the circuit court clerk
21 shall be impounded until further order of the court
22 upon good cause shown and the name of the
23 petitioner obliterated on the official index
24 required to be kept by the circuit court clerk
25 under Section 16 of the Clerks of Courts Act, but
26 the order shall not affect any index issued by the

1 circuit court clerk before the entry of the order;

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

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

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

22 (B-5) Upon entry of an order to expunge records
23 under subsection (e-6):

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

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

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

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

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

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

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

16 (D) The Department shall send written notice to the
17 petitioner of its compliance with each order to expunge
18 or seal records within 60 days of the date of service
19 of that order or, if a motion to vacate, modify, or
20 reconsider is filed, within 60 days of service of the
21 order resolving the motion, if that order requires the
22 Department to expunge or seal records. In the event of
23 an appeal from the circuit court order, the Department
24 shall send written notice to the petitioner of its
25 compliance with an Appellate Court or Supreme Court
26 judgment to expunge or seal records within 60 days of

1 the issuance of the court's mandate. The notice is not
2 required while any motion to vacate, modify, or
3 reconsider, or any appeal or petition for
4 discretionary appellate review, is pending.

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

21 (11) Final Order. No court order issued under the
22 expungement or sealing provisions of this Section shall
23 become final for purposes of appeal until 30 days after
24 service of the order on the petitioner and all parties
25 entitled to notice of the petition.

26 (12) Motion to Vacate, Modify, or Reconsider. Under

1 Section 2-1203 of the Code of Civil Procedure, the
2 petitioner or any party entitled to notice may file a
3 motion to vacate, modify, or reconsider the order granting
4 or denying the petition to expunge or seal within 60 days
5 of service of the order. If filed more than 60 days after
6 service of the order, a petition to vacate, modify, or
7 reconsider shall comply with subsection (c) of Section
8 2-1401 of the Code of Civil Procedure. Upon filing of a
9 motion to vacate, modify, or reconsider, notice of the
10 motion shall be served upon the petitioner and all parties
11 entitled to notice of the petition.

12 (13) Effect of Order. An order granting a petition
13 under the expungement or sealing provisions of this Section
14 shall not be considered void because it fails to comply
15 with the provisions of this Section or because of any error
16 asserted in a motion to vacate, modify, or reconsider. The
17 circuit court retains jurisdiction to determine whether
18 the order is voidable and to vacate, modify, or reconsider
19 its terms based on a motion filed under paragraph (12) of
20 this subsection (d).

21 (14) Compliance with Order Granting Petition to Seal
22 Records. Unless a court has entered a stay of an order
23 granting a petition to seal, all parties entitled to notice
24 of the petition must fully comply with the terms of the
25 order within 60 days of service of the order even if a
26 party is seeking relief from the order through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order.

3 (15) Compliance with Order Granting Petition to
4 Expunge Records. While a party is seeking relief from the
5 order granting the petition to expunge through a motion
6 filed under paragraph (12) of this subsection (d) or is
7 appealing the order, and unless a court has entered a stay
8 of that order, the parties entitled to notice of the
9 petition must seal, but need not expunge, the records until
10 there is a final order on the motion for relief or, in the
11 case of an appeal, the issuance of that court's mandate.

12 (16) The changes to this subsection (d) made by Public
13 Act 98-163 apply to all petitions pending on August 5, 2013
14 (the effective date of Public Act 98-163) and to all orders
15 ruling on a petition to expunge or seal on or after August
16 5, 2013 (the effective date of Public Act 98-163).

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

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

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

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

22 (e-6) Whenever a person who has been convicted of an
23 offense is granted a certificate of eligibility for expungement
24 by the Prisoner Review Board which specifically authorizes
25 expungement, he or she may, upon verified petition to the Chief
26 Judge of the circuit where the person had been convicted, any

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

26 (f) Subject to available funding, the Illinois Department

1 of Corrections shall conduct a study of the impact of sealing,
2 especially on employment and recidivism rates, utilizing a
3 random sample of those who apply for the sealing of their
4 criminal records under Public Act 93-211. At the request of the
5 Illinois Department of Corrections, records of the Illinois
6 Department of Employment Security shall be utilized as
7 appropriate to assist in the study. The study shall not
8 disclose any data in a manner that would allow the
9 identification of any particular individual or employing unit.
10 The study shall be made available to the General Assembly no
11 later than September 1, 2010.

12 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;
13 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
14 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,
15 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
16 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,
17 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
18 98-1009, eff. 1-1-15; revised 9-30-14.)

19 Section 105. The Illinois Health Facilities Planning Act is
20 amended by changing Sections 3 and 12 as follows:

21 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

22 (Section scheduled to be repealed on December 31, 2019)

23 Sec. 3. Definitions. As used in this Act:

24 "Health care facilities" means and includes the following

1 facilities, organizations, and related persons:

2 (1) An ambulatory surgical treatment center required
3 to be licensed pursuant to the Ambulatory Surgical
4 Treatment Center Act.

5 (2) An institution, place, building, or agency
6 required to be licensed pursuant to the Hospital Licensing
7 Act.

8 (3) Skilled and intermediate long term care facilities
9 licensed under the Nursing Home Care Act.

10 (A) If a demonstration project under the Nursing
11 Home Care Act applies for a certificate of need to
12 convert to a nursing facility, it shall meet the
13 licensure and certificate of need requirements in
14 effect as of the date of application.

15 (B) Except as provided in item (A) of this
16 subsection, this Act does not apply to facilities
17 granted waivers under Section 3-102.2 of the Nursing
18 Home Care Act.

19 (3.5) Skilled and intermediate care facilities
20 licensed under the ID/DD Community Care Act. ~~(A)~~ No permit
21 or exemption is required for a facility licensed under the
22 ID/DD Community Care Act prior to the reduction of the
23 number of beds at a facility. If there is a total reduction
24 of beds at a facility licensed under the ID/DD Community
25 Care Act, this is a discontinuation or closure of the
26 facility. If a facility licensed under the ID/DD Community

1 Care Act reduces the number of beds or discontinues the
2 facility, that facility must notify the Board as provided
3 in Section 14.1 of this Act.

4 (3.7) Facilities licensed under the Specialized Mental
5 Health Rehabilitation Act of 2013.

6 (4) Hospitals, nursing homes, ambulatory surgical
7 treatment centers, or kidney disease treatment centers
8 maintained by the State or any department or agency
9 thereof.

10 (5) Kidney disease treatment centers, including a
11 free-standing hemodialysis unit required to be licensed
12 under the End Stage Renal Disease Facility Act.

13 (A) This Act does not apply to a dialysis facility
14 that provides only dialysis training, support, and
15 related services to individuals with end stage renal
16 disease who have elected to receive home dialysis.

17 (B) This Act does not apply to a dialysis unit
18 located in a licensed nursing home that offers or
19 provides dialysis-related services to residents with
20 end stage renal disease who have elected to receive
21 home dialysis within the nursing home.

22 (C) The Board, however, may require dialysis
23 facilities and licensed nursing homes under items (A)
24 and (B) of this subsection to report statistical
25 information on a quarterly basis to the Board to be
26 used by the Board to conduct analyses on the need for

1 proposed kidney disease treatment centers.

2 (6) An institution, place, building, or room used for
3 the performance of outpatient surgical procedures that is
4 leased, owned, or operated by or on behalf of an
5 out-of-state facility.

6 (7) An institution, place, building, or room used for
7 provision of a health care category of service, including,
8 but not limited to, cardiac catheterization and open heart
9 surgery.

10 (8) An institution, place, building, or room housing
11 major medical equipment used in the direct clinical
12 diagnosis or treatment of patients, and whose project cost
13 is in excess of the capital expenditure minimum.

14 "Health care facilities" does not include the following
15 entities or facility transactions:

16 (1) Federally-owned facilities.

17 (2) Facilities used solely for healing by prayer or
18 spiritual means.

19 (3) An existing facility located on any campus facility
20 as defined in Section 5-5.8b of the Illinois Public Aid
21 Code, provided that the campus facility encompasses 30 or
22 more contiguous acres and that the new or renovated
23 facility is intended for use by a licensed residential
24 facility.

25 (4) Facilities licensed under the Supportive
26 Residences Licensing Act or the Assisted Living and Shared

1 Housing Act.

2 (5) Facilities designated as supportive living
3 facilities that are in good standing with the program
4 established under Section 5-5.01a of the Illinois Public
5 Aid Code.

6 (6) Facilities established and operating under the
7 Alternative Health Care Delivery Act as a children's
8 community-based health care center ~~children's respite care~~
9 ~~center~~ alternative health care model demonstration program
10 or as an Alzheimer's Disease Management Center alternative
11 health care model demonstration program.

12 (7) The closure of an entity or a portion of an entity
13 licensed under the Nursing Home Care Act, the Specialized
14 Mental Health Rehabilitation Act of 2013, or the ID/DD
15 Community Care Act, with the exception of facilities
16 operated by a county or Illinois Veterans Homes, that elect
17 to convert, in whole or in part, to an assisted living or
18 shared housing establishment licensed under the Assisted
19 Living and Shared Housing Act and with the exception of a
20 facility licensed under the Specialized Mental Health
21 Rehabilitation Act of 2013 in connection with a proposal to
22 close a facility and re-establish the facility in another
23 location.

24 (8) Any change of ownership of a health care ~~healthcare~~
25 facility that is licensed under the Nursing Home Care Act,
26 the Specialized Mental Health Rehabilitation Act of 2013,

1 or the ID/DD Community Care Act, with the exception of
2 facilities operated by a county or Illinois Veterans Homes.
3 Changes of ownership of facilities licensed under the
4 Nursing Home Care Act must meet the requirements set forth
5 in Sections 3-101 through 3-119 of the Nursing Home Care
6 Act. ~~children's community based health care center of 2013~~
7 ~~and with the exception of a facility licensed under the~~
8 ~~Specialized Mental Health Rehabilitation Act of 2013 in~~
9 ~~connection with a proposal to close a facility and~~
10 ~~re establish the facility in another location of 2013~~

11 With the exception of those health care facilities
12 specifically included in this Section, nothing in this Act
13 shall be intended to include facilities operated as a part of
14 the practice of a physician or other licensed health care
15 professional, whether practicing in his individual capacity or
16 within the legal structure of any partnership, medical or
17 professional corporation, or unincorporated medical or
18 professional group. Further, this Act shall not apply to
19 physicians or other licensed health care professional's
20 practices where such practices are carried out in a portion of
21 a health care facility under contract with such health care
22 facility by a physician or by other licensed health care
23 professionals, whether practicing in his individual capacity
24 or within the legal structure of any partnership, medical or
25 professional corporation, or unincorporated medical or
26 professional groups, unless the entity constructs, modifies,

1 or establishes a health care facility as specifically defined
2 in this Section. This Act shall apply to construction or
3 modification and to establishment by such health care facility
4 of such contracted portion which is subject to facility
5 licensing requirements, irrespective of the party responsible
6 for such action or attendant financial obligation.

7 "Person" means any one or more natural persons, legal
8 entities, governmental bodies other than federal, or any
9 combination thereof.

10 "Consumer" means any person other than a person (a) whose
11 major occupation currently involves or whose official capacity
12 within the last 12 months has involved the providing,
13 administering or financing of any type of health care facility,
14 (b) who is engaged in health research or the teaching of
15 health, (c) who has a material financial interest in any
16 activity which involves the providing, administering or
17 financing of any type of health care facility, or (d) who is or
18 ever has been a member of the immediate family of the person
19 defined by (a), (b), or (c).

20 "State Board" or "Board" means the Health Facilities and
21 Services Review Board.

22 "Construction or modification" means the establishment,
23 erection, building, alteration, reconstruction, modernization,
24 improvement, extension, discontinuation, change of ownership,
25 of or by a health care facility, or the purchase or acquisition
26 by or through a health care facility of equipment or service

1 for diagnostic or therapeutic purposes or for facility
2 administration or operation, or any capital expenditure made by
3 or on behalf of a health care facility which exceeds the
4 capital expenditure minimum; however, any capital expenditure
5 made by or on behalf of a health care facility for (i) the
6 construction or modification of a facility licensed under the
7 Assisted Living and Shared Housing Act or (ii) a conversion
8 project undertaken in accordance with Section 30 of the Older
9 Adult Services Act shall be excluded from any obligations under
10 this Act.

11 "Establish" means the construction of a health care
12 facility or the replacement of an existing facility on another
13 site or the initiation of a category of service.

14 "Major medical equipment" means medical equipment which is
15 used for the provision of medical and other health services and
16 which costs in excess of the capital expenditure minimum,
17 except that such term does not include medical equipment
18 acquired by or on behalf of a clinical laboratory to provide
19 clinical laboratory services if the clinical laboratory is
20 independent of a physician's office and a hospital and it has
21 been determined under Title XVIII of the Social Security Act to
22 meet the requirements of paragraphs (10) and (11) of Section
23 1861(s) of such Act. In determining whether medical equipment
24 has a value in excess of the capital expenditure minimum, the
25 value of studies, surveys, designs, plans, working drawings,
26 specifications, and other activities essential to the

1 acquisition of such equipment shall be included.

2 "Capital Expenditure" means an expenditure: (A) made by or
3 on behalf of a health care facility (as such a facility is
4 defined in this Act); and (B) which under generally accepted
5 accounting principles is not properly chargeable as an expense
6 of operation and maintenance, or is made to obtain by lease or
7 comparable arrangement any facility or part thereof or any
8 equipment for a facility or part; and which exceeds the capital
9 expenditure minimum.

10 For the purpose of this paragraph, the cost of any studies,
11 surveys, designs, plans, working drawings, specifications, and
12 other activities essential to the acquisition, improvement,
13 expansion, or replacement of any plant or equipment with
14 respect to which an expenditure is made shall be included in
15 determining if such expenditure exceeds the capital
16 expenditures minimum. Unless otherwise interdependent, or
17 submitted as one project by the applicant, components of
18 construction or modification undertaken by means of a single
19 construction contract or financed through the issuance of a
20 single debt instrument shall not be grouped together as one
21 project. Donations of equipment or facilities to a health care
22 facility which if acquired directly by such facility would be
23 subject to review under this Act shall be considered capital
24 expenditures, and a transfer of equipment or facilities for
25 less than fair market value shall be considered a capital
26 expenditure for purposes of this Act if a transfer of the

1 equipment or facilities at fair market value would be subject
2 to review.

3 "Capital expenditure minimum" means \$11,500,000 for
4 projects by hospital applicants, \$6,500,000 for applicants for
5 projects related to skilled and intermediate care long-term
6 care facilities licensed under the Nursing Home Care Act, and
7 \$3,000,000 for projects by all other applicants, which shall be
8 annually adjusted to reflect the increase in construction costs
9 due to inflation, for major medical equipment and for all other
10 capital expenditures.

11 "Non-clinical service area" means an area (i) for the
12 benefit of the patients, visitors, staff, or employees of a
13 health care facility and (ii) not directly related to the
14 diagnosis, treatment, or rehabilitation of persons receiving
15 services from the health care facility. "Non-clinical service
16 areas" include, but are not limited to, chapels; gift shops;
17 news stands; computer systems; tunnels, walkways, and
18 elevators; telephone systems; projects to comply with life
19 safety codes; educational facilities; student housing;
20 patient, employee, staff, and visitor dining areas;
21 administration and volunteer offices; modernization of
22 structural components (such as roof replacement and masonry
23 work); boiler repair or replacement; vehicle maintenance and
24 storage facilities; parking facilities; mechanical systems for
25 heating, ventilation, and air conditioning; loading docks; and
26 repair or replacement of carpeting, tile, wall coverings,

1 window coverings or treatments, or furniture. Solely for the
2 purpose of this definition, "non-clinical service area" does
3 not include health and fitness centers.

4 "Areawide" means a major area of the State delineated on a
5 geographic, demographic, and functional basis for health
6 planning and for health service and having within it one or
7 more local areas for health planning and health service. The
8 term "region", as contrasted with the term "subregion", and the
9 word "area" may be used synonymously with the term "areawide".

10 "Local" means a subarea of a delineated major area that on
11 a geographic, demographic, and functional basis may be
12 considered to be part of such major area. The term "subregion"
13 may be used synonymously with the term "local".

14 "Physician" means a person licensed to practice in
15 accordance with the Medical Practice Act of 1987, as amended.

16 "Licensed health care professional" means a person
17 licensed to practice a health profession under pertinent
18 licensing statutes of the State of Illinois.

19 "Director" means the Director of the Illinois Department of
20 Public Health.

21 "Agency" means the Illinois Department of Public Health.

22 "Alternative health care model" means a facility or program
23 authorized under the Alternative Health Care Delivery Act.

24 "Out-of-state facility" means a person that is both (i)
25 licensed as a hospital or as an ambulatory surgery center under
26 the laws of another state or that qualifies as a hospital or an

1 ambulatory surgery center under regulations adopted pursuant
2 to the Social Security Act and (ii) not licensed under the
3 Ambulatory Surgical Treatment Center Act, the Hospital
4 Licensing Act, or the Nursing Home Care Act. Affiliates of
5 out-of-state facilities shall be considered out-of-state
6 facilities. Affiliates of Illinois licensed health care
7 facilities 100% owned by an Illinois licensed health care
8 facility, its parent, or Illinois physicians licensed to
9 practice medicine in all its branches shall not be considered
10 out-of-state facilities. Nothing in this definition shall be
11 construed to include an office or any part of an office of a
12 physician licensed to practice medicine in all its branches in
13 Illinois that is not required to be licensed under the
14 Ambulatory Surgical Treatment Center Act.

15 "Change of ownership of a health care facility" means a
16 change in the person who has ownership or control of a health
17 care facility's physical plant and capital assets. A change in
18 ownership is indicated by the following transactions: sale,
19 transfer, acquisition, lease, change of sponsorship, or other
20 means of transferring control.

21 "Related person" means any person that: (i) is at least 50%
22 owned, directly or indirectly, by either the health care
23 facility or a person owning, directly or indirectly, at least
24 50% of the health care facility; or (ii) owns, directly or
25 indirectly, at least 50% of the health care facility.

26 "Charity care" means care provided by a health care

1 facility for which the provider does not expect to receive
2 payment from the patient or a third-party payer.

3 "Freestanding emergency center" means a facility subject
4 to licensure under Section 32.5 of the Emergency Medical
5 Services (EMS) Systems Act.

6 "Category of service" means a grouping by generic class of
7 various types or levels of support functions, equipment, care,
8 or treatment provided to patients or residents, including, but
9 not limited to, classes such as medical-surgical, pediatrics,
10 or cardiac catheterization. A category of service may include
11 subcategories or levels of care that identify a particular
12 degree or type of care within the category of service. Nothing
13 in this definition shall be construed to include the practice
14 of a physician or other licensed health care professional while
15 functioning in an office providing for the care, diagnosis, or
16 treatment of patients. A category of service that is subject to
17 the Board's jurisdiction must be designated in rules adopted by
18 the Board.

19 "State Board Staff Report" means the document that sets
20 forth the review and findings of the State Board staff, as
21 prescribed by the State Board, regarding applications subject
22 to Board jurisdiction.

23 (Source: P.A. 97-38, eff. 6-28-11; 97-277, eff. 1-1-12; 97-813,
24 eff. 7-13-12; 97-980, eff. 8-17-12; 98-414, eff. 1-1-14;
25 98-629, eff. 1-1-15; 98-651, eff. 6-16-14; 98-1086, eff.
26 8-26-14; revised 10-22-14.)

1 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

2 (Section scheduled to be repealed on December 31, 2019)

3 Sec. 12. Powers and duties of State Board. For purposes of
4 this Act, the State Board shall exercise the following powers
5 and duties:

6 (1) Prescribe rules, regulations, standards, criteria,
7 procedures or reviews which may vary according to the purpose
8 for which a particular review is being conducted or the type of
9 project reviewed and which are required to carry out the
10 provisions and purposes of this Act. Policies and procedures of
11 the State Board shall take into consideration the priorities
12 and needs of medically underserved areas and other health care
13 services identified through the comprehensive health planning
14 process, giving special consideration to the impact of projects
15 on access to safety net services.

16 (2) Adopt procedures for public notice and hearing on all
17 proposed rules, regulations, standards, criteria, and plans
18 required to carry out the provisions of this Act.

19 (3) (Blank).

20 (4) Develop criteria and standards for health care
21 facilities planning, conduct statewide inventories of health
22 care facilities, maintain an updated inventory on the Board's
23 web site reflecting the most recent bed and service changes and
24 updated need determinations when new census data become
25 available or new need formulae are adopted, and develop health

1 care facility plans which shall be utilized in the review of
2 applications for permit under this Act. Such health facility
3 plans shall be coordinated by the Board with pertinent State
4 Plans. Inventories pursuant to this Section of skilled or
5 intermediate care facilities licensed under the Nursing Home
6 Care Act, skilled or intermediate care facilities licensed
7 under the ID/DD Community Care Act, facilities licensed under
8 the Specialized Mental Health Rehabilitation Act, or nursing
9 homes licensed under the Hospital Licensing Act shall be
10 conducted on an annual basis no later than July 1 of each year
11 and shall include among the information requested a list of all
12 services provided by a facility to its residents and to the
13 community at large and differentiate between active and
14 inactive beds.

15 In developing health care facility plans, the State Board
16 shall consider, but shall not be limited to, the following:

17 (a) The size, composition and growth of the population
18 of the area to be served;

19 (b) The number of existing and planned facilities
20 offering similar programs;

21 (c) The extent of utilization of existing facilities;

22 (d) The availability of facilities which may serve as
23 alternatives or substitutes;

24 (e) The availability of personnel necessary to the
25 operation of the facility;

26 (f) Multi-institutional planning and the establishment

1 of multi-institutional systems where feasible;

2 (g) The financial and economic feasibility of proposed
3 construction or modification; and

4 (h) In the case of health care facilities established
5 by a religious body or denomination, the needs of the
6 members of such religious body or denomination may be
7 considered to be public need.

8 The health care facility plans which are developed and
9 adopted in accordance with this Section shall form the basis
10 for the plan of the State to deal most effectively with
11 statewide health needs in regard to health care facilities.

12 (5) Coordinate with the Center for Comprehensive Health
13 Planning and other state agencies having responsibilities
14 affecting health care facilities, including those of licensure
15 and cost reporting. Beginning no later than January 1, 2013,
16 the Department of Public Health shall produce a written annual
17 report to the Governor and the General Assembly regarding the
18 development of the Center for Comprehensive Health Planning.
19 The Chairman of the State Board and the State Board
20 Administrator shall also receive a copy of the annual report.

21 (6) Solicit, accept, hold and administer on behalf of the
22 State any grants or bequests of money, securities or property
23 for use by the State Board or Center for Comprehensive Health
24 Planning in the administration of this Act; and enter into
25 contracts consistent with the appropriations for purposes
26 enumerated in this Act.

1 (7) The State Board shall prescribe procedures for review,
2 standards, and criteria which shall be utilized to make
3 periodic reviews and determinations of the appropriateness of
4 any existing health services being rendered by health care
5 facilities subject to the Act. The State Board shall consider
6 recommendations of the Board in making its determinations.

7 (8) Prescribe, in consultation with the Center for
8 Comprehensive Health Planning, rules, regulations, standards,
9 and criteria for the conduct of an expeditious review of
10 applications for permits for projects of construction or
11 modification of a health care facility, which projects are
12 classified as emergency, substantive, or non-substantive in
13 nature.

14 Six months after June 30, 2009 (the effective date of
15 Public Act 96-31), substantive projects shall include no more
16 than the following:

17 (a) Projects to construct (1) a new or replacement
18 facility located on a new site or (2) a replacement
19 facility located on the same site as the original facility
20 and the cost of the replacement facility exceeds the
21 capital expenditure minimum, which shall be reviewed by the
22 Board within 120 days;

23 (b) Projects proposing a (1) new service within an
24 existing healthcare facility or (2) discontinuation of a
25 service within an existing healthcare facility, which
26 shall be reviewed by the Board within 60 days; or

1 (c) Projects proposing a change in the bed capacity of
2 a health care facility by an increase in the total number
3 of beds or by a redistribution of beds among various
4 categories of service or by a relocation of beds from one
5 physical facility or site to another by more than 20 beds
6 or more than 10% of total bed capacity, as defined by the
7 State Board, whichever is less, over a 2-year period.

8 The Chairman may approve applications for exemption that
9 meet the criteria set forth in rules or refer them to the full
10 Board. The Chairman may approve any unopposed application that
11 meets all of the review criteria or refer them to the full
12 Board.

13 Such rules shall not abridge the right of the Center for
14 Comprehensive Health Planning to make recommendations on the
15 classification and approval of projects, nor shall such rules
16 prevent the conduct of a public hearing upon the timely request
17 of an interested party. Such reviews shall not exceed 60 days
18 from the date the application is declared to be complete.

19 (9) Prescribe rules, regulations, standards, and criteria
20 pertaining to the granting of permits for construction and
21 modifications which are emergent in nature and must be
22 undertaken immediately to prevent or correct structural
23 deficiencies or hazardous conditions that may harm or injure
24 persons using the facility, as defined in the rules and
25 regulations of the State Board. This procedure is exempt from
26 public hearing requirements of this Act.

1 (10) Prescribe rules, regulations, standards and criteria
2 for the conduct of an expeditious review, not exceeding 60
3 days, of applications for permits for projects to construct or
4 modify health care facilities which are needed for the care and
5 treatment of persons who have acquired immunodeficiency
6 syndrome (AIDS) or related conditions.

7 (11) Issue written decisions upon request of the applicant
8 or an adversely affected party to the Board. Requests for a
9 written decision shall be made within 15 days after the Board
10 meeting in which a final decision has been made. A "final
11 decision" for purposes of this Act is the decision to approve
12 or deny an application, or take other actions permitted under
13 this Act, at the time and date of the meeting that such action
14 is scheduled by the Board. State Board members shall provide
15 their rationale when voting on an item before the State Board
16 at a State Board meeting in order to comply with subsection (b)
17 of Section 3-108 of the Administrative Review Law of the Code
18 of Civil Procedure. The transcript of the State Board meeting
19 shall be incorporated into the Board's final decision. The
20 staff of the Board shall prepare a written copy of the final
21 decision and the Board shall approve a final copy for inclusion
22 in the formal record. The Board shall consider, for approval,
23 the written draft of the final decision no later than the next
24 scheduled Board meeting. The written decision shall identify
25 the applicable criteria and factors listed in this Act and the
26 Board's regulations that were taken into consideration by the

1 Board when coming to a final decision. If the Board denies or
2 fails to approve an application for permit or exemption, the
3 Board shall include in the final decision a detailed
4 explanation as to why the application was denied and identify
5 what specific criteria or standards the applicant did not
6 fulfill.

7 (12) Require at least one of its members to participate in
8 any public hearing, after the appointment of a majority of the
9 members to the Board.

10 (13) Provide a mechanism for the public to comment on, and
11 request changes to, draft rules and standards.

12 (14) Implement public information campaigns to regularly
13 inform the general public about the opportunity for public
14 hearings and public hearing procedures.

15 (15) Establish a separate set of rules and guidelines for
16 long-term care that recognizes that nursing homes are a
17 different business line and service model from other regulated
18 facilities. An open and transparent process shall be developed
19 that considers the following: how skilled nursing fits in the
20 continuum of care with other care providers, modernization of
21 nursing homes, establishment of more private rooms,
22 development of alternative services, and current trends in
23 long-term care services. The Chairman of the Board shall
24 appoint a permanent Health Services Review Board Long-term Care
25 Facility Advisory Subcommittee that shall develop and
26 recommend to the Board the rules to be established by the Board

1 under this paragraph (15). The Subcommittee shall also provide
2 continuous review and commentary on policies and procedures
3 relative to long-term care and the review of related projects.
4 In consultation with other experts from the health field of
5 long-term care, the Board and the Subcommittee shall study new
6 approaches to the current bed need formula and Health Service
7 Area boundaries to encourage flexibility and innovation in
8 design models reflective of the changing long-term care
9 marketplace and consumer preferences. The Subcommittee shall
10 evaluate, and make recommendations to the State Board
11 regarding, the buying, selling, and exchange of beds between
12 long-term care facilities within a specified geographic area or
13 drive time. The Board shall file the proposed related
14 administrative rules for the separate rules and guidelines for
15 long-term care required by this paragraph (15) by no later than
16 September 30, 2011. The Subcommittee shall be provided a
17 reasonable and timely opportunity to review and comment on any
18 review, revision, or updating of the criteria, standards,
19 procedures, and rules used to evaluate project applications as
20 provided under Section 12.3 of this Act.

21 (16) Prescribe and provide forms pertaining to the State
22 Board Staff Report. A State Board Staff Report shall pertain to
23 applications that include, but are not limited to, applications
24 for permit or exemption, applications for permit renewal,
25 applications for extension of the obligation period,
26 applications requesting a declaratory ruling, or applications

1 under the Health Care Worker Self-Referral ~~Self-Referral~~ Act.
2 State Board Staff Reports shall compare applications to the
3 relevant review criteria under the Board's rules.

4 (17) ~~(16)~~ Establish a separate set of rules and guidelines
5 for facilities licensed under the Specialized Mental Health
6 Rehabilitation Act of 2013. An application for the
7 re-establishment of a facility in connection with the
8 relocation of the facility shall not be granted unless the
9 applicant has a contractual relationship with at least one
10 hospital to provide emergency and inpatient mental health
11 services required by facility consumers, and at least one
12 community mental health agency to provide oversight and
13 assistance to facility consumers while living in the facility,
14 and appropriate services, including case management, to assist
15 them to prepare for discharge and reside stably in the
16 community thereafter. No new facilities licensed under the
17 Specialized Mental Health Rehabilitation Act of 2013 shall be
18 established after June 16, 2014 (the effective date of Public
19 Act 98-651) ~~this amendatory Act of the 98th General Assembly~~
20 except in connection with the relocation of an existing
21 facility to a new location. An application for a new location
22 shall not be approved unless there are adequate community
23 services accessible to the consumers within a reasonable
24 distance, or by use of public transportation, so as to
25 facilitate the goal of achieving maximum individual self-care
26 and independence. At no time shall the total number of

1 authorized beds under this Act in facilities licensed under the
2 Specialized Mental Health Rehabilitation Act of 2013 exceed the
3 number of authorized beds on June 16, 2014 (the effective date
4 of Public Act 98-651) ~~this amendatory Act of the 98th General~~
5 ~~Assembly.~~

6 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
7 eff. 7-13-12; 97-1045, eff. 8-21-13; 97-1115, eff. 8-27-12;
8 98-414, eff. 1-1-14; 98-463, eff. 8-16-13; 98-651, eff.
9 6-16-14; 98-1086, eff. 8-26-14; revised 10-1-14.)

10 Section 110. The Home Repair and Construction Task Force
11 Act is amended by changing Section 20 as follows:

12 (20 ILCS 5050/20)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 20. Duties. The Task Force shall:

15 (1) discuss whether the residents of Illinois would
16 benefit from legislation requiring home repair and
17 construction service providers to obtain a license from the
18 Department of Financial and Professional Regulation before
19 offering these ~~theses~~ services in Illinois;

20 (2) if it is determined that licensure is required,
21 determine:

22 (A) the requirements applicants must meet to
23 qualify for a license;

24 (B) grounds for denial or revocation of a license;

1 and

2 (C) any other considerations relevant to a
3 licensing requirement; and

4 (3) make recommendations to the General Assembly.

5 (Source: P.A. 98-1030, eff. 8-25-14; revised 11-25-14.)

6 Section 115. The State Finance Act is amended by setting
7 forth and renumbering multiple versions of Section 5.855 and by
8 changing Sections 6z-43 and 8.12 as follows:

9 (30 ILCS 105/5.855)

10 Sec. 5.855. The Special Olympics Illinois and Special
11 Children's Charities Fund.

12 (Source: P.A. 98-649, eff. 6-16-14.)

13 (30 ILCS 105/5.856)

14 Sec. 5.856 ~~5.855~~. The Supportive Living Facility Fund.

15 (Source: P.A. 98-651, eff. 6-16-14; revised 9-23-14.)

16 (30 ILCS 105/5.857)

17 (Section scheduled to be repealed on July 1, 2016)

18 Sec. 5.857 ~~5.855~~. The Capital Development Board Revolving
19 Fund. This Section is repealed July 1, 2016.

20 (Source: P.A. 98-674, eff. 6-30-14; revised 9-23-14.)

21 (30 ILCS 105/5.858)

1 Sec. 5.858 ~~5.855~~. The Hospital Licensure Fund.

2 (Source: P.A. 98-683, eff. 6-30-14; revised 9-23-14.)

3 (30 ILCS 105/5.859)

4 Sec. 5.859 ~~5.855~~. The Illinois National Guard Billeting
5 Fund.

6 (Source: P.A. 98-733, eff. 7-16-14; revised 9-23-14.)

7 (30 ILCS 105/5.860)

8 Sec. 5.860 ~~5.855~~. The Job Opportunities for Qualified
9 Applicants Enforcement Fund.

10 (Source: P.A. 98-774, eff. 1-1-15; revised 9-23-14.)

11 (30 ILCS 105/5.861)

12 Sec. 5.861 ~~5.855~~. The Distance Learning Fund.

13 (Source: P.A. 98-792, eff. 1-1-15; revised 9-23-14.)

14 (30 ILCS 105/5.862)

15 Sec. 5.862 ~~5.855~~. The State Treasurer's Administrative
16 Fund.

17 (Source: P.A. 98-965, eff. 8-15-14; revised 9-23-14.)

18 (30 ILCS 105/5.863)

19 Sec. 5.863 ~~5.855~~. The Stroke Data Collection Fund.

20 (Source: P.A. 98-1001, eff. 1-1-15; revised 9-23-14.)

1 (30 ILCS 105/5.864)

2 Sec. 5.864 ~~5.855~~. The Natural Resources Restoration Trust
3 Fund.

4 (Source: P.A. 98-1010, eff. 8-19-14; revised 9-23-14.)

5 (30 ILCS 105/5.865)

6 Sec. 5.865 ~~5.855~~. The Specialized Services for Survivors of
7 Human Trafficking Fund.

8 (Source: P.A. 98-1013, eff. 1-1-15; revised 9-23-14.)

9 (30 ILCS 105/5.867)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 Sec. 5.867 ~~5.855~~. The Illinois Secure Choice
13 Administrative Fund.

14 (Source: P.A. 98-1150, eff. 6-1-15; revised 2-2-15.)

15 (30 ILCS 105/6z-43)

16 Sec. 6z-43. Tobacco Settlement Recovery Fund.

17 (a) There is created in the State Treasury a special fund
18 to be known as the Tobacco Settlement Recovery Fund, which
19 shall contain 3 accounts: (i) the General Account, (ii) the
20 Tobacco Settlement Bond Proceeds Account and (iii) the Tobacco
21 Settlement Residual Account. There shall be deposited into the
22 several accounts of the Tobacco Settlement Recovery Fund and
23 the Attorney General Tobacco Fund all monies paid to the State

1 pursuant to (1) the Master Settlement Agreement entered in the
2 case of People of the State of Illinois v. Philip Morris, et
3 al. (Circuit Court of Cook County, No. 96-L13146) and (2) any
4 settlement with or judgment against any tobacco product
5 manufacturer other than one participating in the Master
6 Settlement Agreement in satisfaction of any released claim as
7 defined in the Master Settlement Agreement, as well as any
8 other monies as provided by law. Moneys shall be deposited into
9 the Tobacco Settlement Bond Proceeds Account and the Tobacco
10 Settlement Residual Account as provided by the terms of the
11 Railsplitter Tobacco Settlement Authority Act, provided that
12 an annual amount not less than \$2,500,000, subject to
13 appropriation, shall be deposited into the Attorney General
14 Tobacco Fund for use only by the Attorney General's office. The
15 scheduled \$2,500,000 deposit into the Tobacco Settlement
16 Residual Account for fiscal year 2011 should be transferred to
17 the Attorney General Tobacco Fund in fiscal year 2012 as soon
18 as this fund has been established. All other moneys available
19 to be deposited into the Tobacco Settlement Recovery Fund shall
20 be deposited into the General Account. An investment made from
21 moneys credited to a specific account constitutes part of that
22 account and such account shall be credited with all income from
23 the investment of such moneys. The Treasurer may invest the
24 moneys in the several accounts the Fund in the same manner, in
25 the same types of investments, and subject to the same
26 limitations provided in the Illinois Pension Code for the

1 investment of pension funds other than those established under
2 Article 3 or 4 of the Code. Notwithstanding the foregoing, to
3 the extent necessary to preserve the tax-exempt status of any
4 bonds issued pursuant to the Railsplitter Tobacco Settlement
5 Authority Act, the interest on which is intended to be
6 excludable from the gross income of the owners for federal
7 income tax purposes, moneys on deposit in the Tobacco
8 Settlement Bond Proceeds Account and the Tobacco Settlement
9 Residual Account may be invested in obligations the interest
10 upon which is tax-exempt under the provisions of Section 103 of
11 the Internal Revenue Code of 1986, as now or hereafter amended,
12 or any successor code or provision.

13 (b) Moneys on deposit in the Tobacco Settlement Bond
14 Proceeds Account and the Tobacco Settlement Residual Account
15 may be expended, subject to appropriation, for the purposes
16 authorized in subsection (g) of Section 3-6 ~~Section 6(g)~~ of the
17 Railsplitter Tobacco Settlement Authority Act.

18 (c) As soon as may be practical after June 30, 2001, upon
19 notification from and at the direction of the Governor, the
20 State Comptroller shall direct and the State Treasurer shall
21 transfer the unencumbered balance in the Tobacco Settlement
22 Recovery Fund as of June 30, 2001, as determined by the
23 Governor, into the Budget Stabilization Fund. The Treasurer may
24 invest the moneys in the Budget Stabilization Fund in the same
25 manner, in the same types of investments, and subject to the
26 same limitations provided in the Illinois Pension Code for the

1 investment of pension funds other than those established under
2 Article 3 or 4 of the Code.

3 (d) All federal financial participation moneys received
4 pursuant to expenditures from the Fund shall be deposited into
5 the General Account.

6 (Source: P.A. 96-958, eff. 7-1-10; 97-72, eff. 7-1-11; revised
7 12-1-14.)

8 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)
9 Sec. 8.12. State Pensions Fund.

10 (a) The moneys in the State Pensions Fund shall be used
11 exclusively for the administration of the Uniform Disposition
12 of Unclaimed Property Act and for the expenses incurred by the
13 Auditor General for administering the provisions of Section
14 2-8.1 of the Illinois State Auditing Act and for the funding of
15 the unfunded liabilities of the designated retirement systems.
16 Beginning in State fiscal year 2016, payments to the designated
17 retirement systems under this Section shall be in addition to,
18 and not in lieu of, any State contributions required under the
19 Illinois Pension Code.

20 "Designated retirement systems" means:

21 (1) the State Employees' Retirement System of
22 Illinois;

23 (2) the Teachers' Retirement System of the State of
24 Illinois;

25 (3) the State Universities Retirement System;

1 (4) the Judges Retirement System of Illinois; and

2 (5) the General Assembly Retirement System.

3 (b) Each year the General Assembly may make appropriations
4 from the State Pensions Fund for the administration of the
5 Uniform Disposition of Unclaimed Property Act.

6 Each month, the Commissioner of the Office of Banks and
7 Real Estate shall certify to the State Treasurer the actual
8 expenditures that the Office of Banks and Real Estate incurred
9 conducting unclaimed property examinations under the Uniform
10 Disposition of Unclaimed Property Act during the immediately
11 preceding month. Within a reasonable time following the
12 acceptance of such certification by the State Treasurer, the
13 State Treasurer shall pay from its appropriation from the State
14 Pensions Fund to the Bank and Trust Company Fund, the Savings
15 Bank Regulatory Fund, and the Residential Finance Regulatory
16 Fund an amount equal to the expenditures incurred by each Fund
17 for that month.

18 Each month, the Director of Financial Institutions shall
19 certify to the State Treasurer the actual expenditures that the
20 Department of Financial Institutions incurred conducting
21 unclaimed property examinations under the Uniform Disposition
22 of Unclaimed Property Act during the immediately preceding
23 month. Within a reasonable time following the acceptance of
24 such certification by the State Treasurer, the State Treasurer
25 shall pay from its appropriation from the State Pensions Fund
26 to the Financial Institution Fund and the Credit Union Fund an

1 amount equal to the expenditures incurred by each Fund for that
2 month.

3 (c) As soon as possible after the effective date of this
4 amendatory Act of the 93rd General Assembly, the General
5 Assembly shall appropriate from the State Pensions Fund (1) to
6 the State Universities Retirement System the amount certified
7 under Section 15-165 during the prior year, (2) to the Judges
8 Retirement System of Illinois the amount certified under
9 Section 18-140 during the prior year, and (3) to the General
10 Assembly Retirement System the amount certified under Section
11 2-134 during the prior year as part of the required State
12 contributions to each of those designated retirement systems;
13 except that amounts appropriated under this subsection (c) in
14 State fiscal year 2005 shall not reduce the amount in the State
15 Pensions Fund below \$5,000,000. If the amount in the State
16 Pensions Fund does not exceed the sum of the amounts certified
17 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,
18 the amount paid to each designated retirement system under this
19 subsection shall be reduced in proportion to the amount
20 certified by each of those designated retirement systems.

21 (c-5) For fiscal years 2006 through 2015, the General
22 Assembly shall appropriate from the State Pensions Fund to the
23 State Universities Retirement System the amount estimated to be
24 available during the fiscal year in the State Pensions Fund;
25 provided, however, that the amounts appropriated under this
26 subsection (c-5) shall not reduce the amount in the State

1 Pensions Fund below \$5,000,000.

2 (c-6) For fiscal year 2016 and each fiscal year thereafter,
3 as soon as may be practical after any money is deposited into
4 the State Pensions Fund from the Unclaimed Property Trust Fund,
5 the State Treasurer shall apportion the deposited amount among
6 the designated retirement systems as defined in subsection (a)
7 to reduce their actuarial reserve deficiencies. The State
8 Comptroller and State Treasurer shall pay the apportioned
9 amounts to the designated retirement systems to fund the
10 unfunded liabilities of the designated retirement systems. The
11 amount apportioned to each designated retirement system shall
12 constitute a portion of the amount estimated to be available
13 for appropriation from the State Pensions Fund that is the same
14 as that retirement system's portion of the total actual reserve
15 deficiency of the systems, as determined annually by the
16 Governor's Office of Management and Budget at the request of
17 the State Treasurer. The amounts apportioned under this
18 subsection shall not reduce the amount in the State Pensions
19 Fund below \$5,000,000.

20 (d) The Governor's Office of Management and Budget shall
21 determine the individual and total reserve deficiencies of the
22 designated retirement systems. For this purpose, the
23 Governor's Office of Management and Budget shall utilize the
24 latest available audit and actuarial reports of each of the
25 retirement systems and the relevant reports and statistics of
26 the Public Employee Pension Fund Division of the Department of

1 Insurance.

2 (d-1) As soon as practicable after the effective date of
3 this amendatory Act of the 93rd General Assembly, the
4 Comptroller shall direct and the Treasurer shall transfer from
5 the State Pensions Fund to the General Revenue Fund, as funds
6 become available, a sum equal to the amounts that would have
7 been paid from the State Pensions Fund to the Teachers'
8 Retirement System of the State of Illinois, the State
9 Universities Retirement System, the Judges Retirement System
10 of Illinois, the General Assembly Retirement System, and the
11 State Employees' Retirement System of Illinois after the
12 effective date of this amendatory Act during the remainder of
13 fiscal year 2004 to the designated retirement systems from the
14 appropriations provided for in this Section if the transfers
15 provided in Section 6z-61 had not occurred. The transfers
16 described in this subsection (d-1) are to partially repay the
17 General Revenue Fund for the costs associated with the bonds
18 used to fund the moneys transferred to the designated
19 retirement systems under Section 6z-61.

20 (e) The changes to this Section made by this amendatory Act
21 of 1994 shall first apply to distributions from the Fund for
22 State fiscal year 1996.

23 (Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24,
24 eff. 6-19-13; 98-463, eff. 8-16-13; 98-674, eff. 6-30-14;
25 98-1081, eff. 1-1-15; revised 10-1-14.)

1 Section 120. The Public Funds Investment Act is amended by
2 changing Section 6.5 as follows:

3 (30 ILCS 235/6.5)

4 Sec. 6.5. Federally insured deposits at Illinois financial
5 institutions.

6 (a) Notwithstanding any other provision of this Act or any
7 other statute, whenever a public agency invests public funds in
8 an interest-bearing savings account, demand deposit account,
9 interest-bearing certificate of deposit, or interest-bearing
10 time deposit under Section 2 of this Act, the provisions of
11 Section 6 of this Act and any other statutory requirements
12 pertaining to the eligibility of a bank to receive or hold
13 public deposits or to the pledging of collateral by a bank to
14 secure public deposits do not apply to any bank receiving or
15 holding all or part of the invested public funds if (i) the
16 public agency initiates the investment at or through a bank
17 located in Illinois and (ii) the invested public funds are at
18 all times fully insured by an agency or instrumentality of the
19 federal government.

20 (b) Nothing in this Section is intended to:

21 (1) prohibit a public agency from requiring the bank at
22 or through which the investment of public funds is
23 initiated to provide the public agency with the information
24 otherwise required by subsection (a), (b), or (c) of
25 Section 6 of this Act as a condition of investing the

1 public funds at or through that bank; or

2 (2) permit a bank to receive or hold public deposits if
3 that bank is prohibited from doing so by any rule,
4 sanction, or order issued by a regulatory agency or by a
5 court.

6 (c) For purposes of this Section, the term "bank" includes
7 any person doing a banking business whether subject to the laws
8 of this or any other jurisdiction.

9 (Source: P.A. 98-703, eff. 7-7-14; 98-756, eff. 7-16-14;
10 revised 10-2-14.)

11 Section 125. The Illinois Coal Technology Development
12 Assistance Act is amended by changing Section 3 as follows:

13 (30 ILCS 730/3) (from Ch. 96 1/2, par. 8203)

14 Sec. 3. Transfers to Coal Technology Development
15 Assistance ~~Fund Funds~~. As soon as may be practicable after the
16 first day of each month, the Department of Revenue shall
17 certify to the Treasurer an amount equal to 1/64 of the revenue
18 realized from the tax imposed by the Electricity Excise Tax
19 Law, Section 2 of the Public Utilities Revenue Act, Section 2
20 of the Messages Tax Act, and Section 2 of the Gas Revenue Tax
21 Act, during the preceding month. Upon receipt of the
22 certification, the Treasurer shall transfer the amount shown on
23 such certification from the General Revenue Fund to the Coal
24 Technology Development Assistance Fund, which is hereby

1 created as a special fund in the State treasury, except that no
2 transfer shall be made in any month in which the Fund has
3 reached the following balance:

4 (1) \$7,000,000 during fiscal year 1994.

5 (2) \$8,500,000 during fiscal year 1995.

6 (3) \$10,000,000 during fiscal years 1996 and 1997.

7 (4) During fiscal year 1998 through fiscal year 2004,
8 an amount equal to the sum of \$10,000,000 plus additional
9 moneys deposited into the Coal Technology Development
10 Assistance Fund from the Renewable Energy Resources and
11 Coal Technology Development Assistance Charge under
12 Section 6.5 of the Renewable Energy, Energy Efficiency, and
13 Coal Resources Development Law of 1997.

14 (5) During fiscal year 2005, an amount equal to the sum
15 of \$7,000,000 plus additional moneys deposited into the
16 Coal Technology Development Assistance Fund from the
17 Renewable Energy Resources and Coal Technology Development
18 Assistance Charge under Section 6.5 of the Renewable
19 Energy, Energy Efficiency, and Coal Resources Development
20 Law of 1997.

21 (6) During fiscal year 2006 and each fiscal year
22 thereafter, an amount equal to the sum of \$10,000,000 plus
23 additional moneys deposited into the Coal Technology
24 Development Assistance Fund from the Renewable Energy
25 Resources and Coal Technology Development Assistance
26 Charge under Section 6.5 of the Renewable Energy, Energy

1 Efficiency, and Coal Resources Development Law of 1997.

2 (Source: P.A. 93-839, eff. 7-30-04; revised 12-1-14.)

3 Section 130. The Charitable Trust Stabilization Act is
4 amended by changing Section 10 as follows:

5 (30 ILCS 790/10)

6 Sec. 10. The Charitable Trust Stabilization Committee.

7 (a) The Charitable Trust Stabilization Committee is
8 created. The Committee consists of the following members:

9 (1) the Attorney General or his or her designee, who
10 shall serve as co-chair of the Committee;

11 (2) a member that represents the Office of the State
12 Treasurer that is appointed by the Treasurer, who shall
13 serve as co-chair of the Committee;

14 (3) the Lieutenant Governor or his or her designee;

15 (4) the Director of Commerce and Economic Opportunity
16 or his or her designee;

17 (5) the chief executive officer of the Division of
18 Financial Institutions in the Department of Financial and
19 Professional Regulation ~~Regulations~~ or his or her
20 designee; and

21 (6) six private citizens, who shall serve a term of 6
22 years, appointed by the State Treasurer with advice and
23 consent of the Senate.

24 (b) The State Treasurer shall adopt rules, including

1 procedures and criteria for grant awards. The Committee must
2 meet at least once each calendar quarter, and it may establish
3 committees and officers as it deems necessary. For purposes of
4 Committee meetings, a quorum is a majority of the members.
5 Meetings of the Committee are subject to the Open Meetings Act.
6 The Committee must afford an opportunity for public comment at
7 each of its meetings.

8 (c) Committee members shall serve without compensation,
9 but may be reimbursed for their reasonable travel expenses from
10 funds available for that purpose. The Office of the State
11 Treasurer shall, subject to appropriation, provide staff and
12 administrative support services to the Committee.

13 (d) The State Treasurer shall administer the Charitable
14 Trust Stabilization Fund.

15 The State Treasurer may transfer all or a portion of the
16 balance of the fund to a third-party administrator to fulfill
17 the mission of the Committee and the purposes of the fund in
18 accordance with this Act and in compliance with Section 5(c) of
19 this Act.

20 (Source: P.A. 97-274, eff. 8-8-11; revised 12-1-14.)

21 Section 135. The State Mandates Act is amended by changing
22 Section 8.38 as follows:

23 (30 ILCS 805/8.38)

24 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by Public Act 98-641,
3 98-666, 98-729, 98-930, or 98-1027 ~~this amendatory Act of the~~
4 ~~98th General Assembly.~~

5 (Source: P.A. 98-641, eff. 6-9-14; 98-666, eff. 1-1-15; 98-729,
6 eff. 7-26-14; 98-930, eff. 1-1-15; 98-1027, eff. 1-1-15;
7 revised 10-6-14.)

8 Section 140. The Illinois Income Tax Act is amended by
9 changing Section 901 as follows:

10 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

11 Sec. 901. Collection authority.

12 (a) In general.

13 The Department shall collect the taxes imposed by this Act.
14 The Department shall collect certified past due child support
15 amounts under Section 2505-650 of the Department of Revenue Law
16 (20 ILCS 2505/2505-650). Except as provided in subsections (c),
17 (e), (f), (g), and (h) of this Section, money collected
18 pursuant to subsections (a) and (b) of Section 201 of this Act
19 shall be paid into the General Revenue Fund in the State
20 treasury; money collected pursuant to subsections (c) and (d)
21 of Section 201 of this Act shall be paid into the Personal
22 Property Tax Replacement Fund, a special fund in the State
23 Treasury; and money collected under Section 2505-650 of the
24 Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid

1 into the Child Support Enforcement Trust Fund, a special fund
2 outside the State Treasury, or to the State Disbursement Unit
3 established under Section 10-26 of the Illinois Public Aid
4 Code, as directed by the Department of Healthcare and Family
5 Services.

6 (b) Local Government Distributive Fund.

7 Beginning August 1, 1969, and continuing through June 30,
8 1994, the Treasurer shall transfer each month from the General
9 Revenue Fund to a special fund in the State treasury, to be
10 known as the "Local Government Distributive Fund", an amount
11 equal to 1/12 of the net revenue realized from the tax imposed
12 by subsections (a) and (b) of Section 201 of this Act during
13 the preceding month. Beginning July 1, 1994, and continuing
14 through June 30, 1995, the Treasurer shall transfer each month
15 from the General Revenue Fund to the Local Government
16 Distributive Fund an amount equal to 1/11 of the net revenue
17 realized from the tax imposed by subsections (a) and (b) of
18 Section 201 of this Act during the preceding month. Beginning
19 July 1, 1995 and continuing through January 31, 2011, the
20 Treasurer shall transfer each month from the General Revenue
21 Fund to the Local Government Distributive Fund an amount equal
22 to the net of (i) 1/10 of the net revenue realized from the tax
23 imposed by subsections (a) and (b) of Section 201 of the
24 Illinois Income Tax Act during the preceding month (ii) minus,
25 beginning July 1, 2003 and ending June 30, 2004, \$6,666,666,
26 and beginning July 1, 2004, zero. Beginning February 1, 2011,

1 and continuing through January 31, 2015, the Treasurer shall
2 transfer each month from the General Revenue Fund to the Local
3 Government Distributive Fund an amount equal to the sum of (i)
4 6% (10% of the ratio of the 3% individual income tax rate prior
5 to 2011 to the 5% individual income tax rate after 2010) of the
6 net revenue realized from the tax imposed by subsections (a)
7 and (b) of Section 201 of this Act upon individuals, trusts,
8 and estates during the preceding month and (ii) 6.86% (10% of
9 the ratio of the 4.8% corporate income tax rate prior to 2011
10 to the 7% corporate income tax rate after 2010) of the net
11 revenue realized from the tax imposed by subsections (a) and
12 (b) of Section 201 of this Act upon corporations during the
13 preceding month. Beginning February 1, 2015 and continuing
14 through January 31, 2025, the Treasurer shall transfer each
15 month from the General Revenue Fund to the Local Government
16 Distributive Fund an amount equal to the sum of (i) 8% (10% of
17 the ratio of the 3% individual income tax rate prior to 2011 to
18 the 3.75% individual income tax rate after 2014) of the net
19 revenue realized from the tax imposed by subsections (a) and
20 (b) of Section 201 of this Act upon individuals, trusts, and
21 estates during the preceding month and (ii) 9.14% (10% of the
22 ratio of the 4.8% corporate income tax rate prior to 2011 to
23 the 5.25% corporate income tax rate after 2014) of the net
24 revenue realized from the tax imposed by subsections (a) and
25 (b) of Section 201 of this Act upon corporations during the
26 preceding month. Beginning February 1, 2025, the Treasurer

1 shall transfer each month from the General Revenue Fund to the
2 Local Government Distributive Fund an amount equal to the sum
3 of (i) 9.23% (10% of the ratio of the 3% individual income tax
4 rate prior to 2011 to the 3.25% individual income tax rate
5 after 2024) of the net revenue realized from the tax imposed by
6 subsections (a) and (b) of Section 201 of this Act upon
7 individuals, trusts, and estates during the preceding month and
8 (ii) 10% of the net revenue realized from the tax imposed by
9 subsections (a) and (b) of Section 201 of this Act upon
10 corporations during the preceding month. Net revenue realized
11 for a month shall be defined as the revenue from the tax
12 imposed by subsections (a) and (b) of Section 201 of this Act
13 which is deposited in the General Revenue Fund, the Education
14 Assistance Fund, the Income Tax Surcharge Local Government
15 Distributive Fund, the Fund for the Advancement of Education,
16 and the Commitment to Human Services Fund during the month
17 minus the amount paid out of the General Revenue Fund in State
18 warrants during that same month as refunds to taxpayers for
19 overpayment of liability under the tax imposed by subsections
20 (a) and (b) of Section 201 of this Act.

21 Beginning on August 26, 2014 (the effective date of Public
22 Act 98-1052) ~~this amendatory Act of the 98th General Assembly,~~
23 the Comptroller shall perform the transfers required by this
24 subsection (b) no later than 60 days after he or she receives
25 the certification from the Treasurer as provided in Section 1
26 of the State Revenue Sharing Act.

1 (c) Deposits Into Income Tax Refund Fund.

2 (1) Beginning on January 1, 1989 and thereafter, the
3 Department shall deposit a percentage of the amounts
4 collected pursuant to subsections (a) and (b)(1), (2), and
5 (3), of Section 201 of this Act into a fund in the State
6 treasury known as the Income Tax Refund Fund. The
7 Department shall deposit 6% of such amounts during the
8 period beginning January 1, 1989 and ending on June 30,
9 1989. Beginning with State fiscal year 1990 and for each
10 fiscal year thereafter, the percentage deposited into the
11 Income Tax Refund Fund during a fiscal year shall be the
12 Annual Percentage. For fiscal years 1999 through 2001, the
13 Annual Percentage shall be 7.1%. For fiscal year 2003, the
14 Annual Percentage shall be 8%. For fiscal year 2004, the
15 Annual Percentage shall be 11.7%. Upon the effective date
16 of this amendatory Act of the 93rd General Assembly, the
17 Annual Percentage shall be 10% for fiscal year 2005. For
18 fiscal year 2006, the Annual Percentage shall be 9.75%. For
19 fiscal year 2007, the Annual Percentage shall be 9.75%. For
20 fiscal year 2008, the Annual Percentage shall be 7.75%. For
21 fiscal year 2009, the Annual Percentage shall be 9.75%. For
22 fiscal year 2010, the Annual Percentage shall be 9.75%. For
23 fiscal year 2011, the Annual Percentage shall be 8.75%. For
24 fiscal year 2012, the Annual Percentage shall be 8.75%. For
25 fiscal year 2013, the Annual Percentage shall be 9.75%. For
26 fiscal year 2014, the Annual Percentage shall be 9.5%. For

1 fiscal year 2015, the Annual Percentage shall be 10%. For
2 all other fiscal years, the Annual Percentage shall be
3 calculated as a fraction, the numerator of which shall be
4 the amount of refunds approved for payment by the
5 Department during the preceding fiscal year as a result of
6 overpayment of tax liability under subsections (a) and
7 (b) (1), (2), and (3) of Section 201 of this Act plus the
8 amount of such refunds remaining approved but unpaid at the
9 end of the preceding fiscal year, minus the amounts
10 transferred into the Income Tax Refund Fund from the
11 Tobacco Settlement Recovery Fund, and the denominator of
12 which shall be the amounts which will be collected pursuant
13 to subsections (a) and (b) (1), (2), and (3) of Section 201
14 of this Act during the preceding fiscal year; except that
15 in State fiscal year 2002, the Annual Percentage shall in
16 no event exceed 7.6%. The Director of Revenue shall certify
17 the Annual Percentage to the Comptroller on the last
18 business day of the fiscal year immediately preceding the
19 fiscal year for which it is to be effective.

20 (2) Beginning on January 1, 1989 and thereafter, the
21 Department shall deposit a percentage of the amounts
22 collected pursuant to subsections (a) and (b) (6), (7), and
23 (8), (c) and (d) of Section 201 of this Act into a fund in
24 the State treasury known as the Income Tax Refund Fund. The
25 Department shall deposit 18% of such amounts during the
26 period beginning January 1, 1989 and ending on June 30,

1 1989. Beginning with State fiscal year 1990 and for each
2 fiscal year thereafter, the percentage deposited into the
3 Income Tax Refund Fund during a fiscal year shall be the
4 Annual Percentage. For fiscal years 1999, 2000, and 2001,
5 the Annual Percentage shall be 19%. For fiscal year 2003,
6 the Annual Percentage shall be 27%. For fiscal year 2004,
7 the Annual Percentage shall be 32%. Upon the effective date
8 of this amendatory Act of the 93rd General Assembly, the
9 Annual Percentage shall be 24% for fiscal year 2005. For
10 fiscal year 2006, the Annual Percentage shall be 20%. For
11 fiscal year 2007, the Annual Percentage shall be 17.5%. For
12 fiscal year 2008, the Annual Percentage shall be 15.5%. For
13 fiscal year 2009, the Annual Percentage shall be 17.5%. For
14 fiscal year 2010, the Annual Percentage shall be 17.5%. For
15 fiscal year 2011, the Annual Percentage shall be 17.5%. For
16 fiscal year 2012, the Annual Percentage shall be 17.5%. For
17 fiscal year 2013, the Annual Percentage shall be 14%. For
18 fiscal year 2014, the Annual Percentage shall be 13.4%. For
19 fiscal year 2015, the Annual Percentage shall be 14%. For
20 all other fiscal years, the Annual Percentage shall be
21 calculated as a fraction, the numerator of which shall be
22 the amount of refunds approved for payment by the
23 Department during the preceding fiscal year as a result of
24 overpayment of tax liability under subsections (a) and
25 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
26 Act plus the amount of such refunds remaining approved but

1 unpaid at the end of the preceding fiscal year, and the
2 denominator of which shall be the amounts which will be
3 collected pursuant to subsections (a) and (b)(6), (7), and
4 (8), (c) and (d) of Section 201 of this Act during the
5 preceding fiscal year; except that in State fiscal year
6 2002, the Annual Percentage shall in no event exceed 23%.
7 The Director of Revenue shall certify the Annual Percentage
8 to the Comptroller on the last business day of the fiscal
9 year immediately preceding the fiscal year for which it is
10 to be effective.

11 (3) The Comptroller shall order transferred and the
12 Treasurer shall transfer from the Tobacco Settlement
13 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
14 in January, 2001, (ii) \$35,000,000 in January, 2002, and
15 (iii) \$35,000,000 in January, 2003.

16 (d) Expenditures from Income Tax Refund Fund.

17 (1) Beginning January 1, 1989, money in the Income Tax
18 Refund Fund shall be expended exclusively for the purpose
19 of paying refunds resulting from overpayment of tax
20 liability under Section 201 of this Act, for paying rebates
21 under Section 208.1 in the event that the amounts in the
22 Homeowners' Tax Relief Fund are insufficient for that
23 purpose, and for making transfers pursuant to this
24 subsection (d).

25 (2) The Director shall order payment of refunds
26 resulting from overpayment of tax liability under Section

1 201 of this Act from the Income Tax Refund Fund only to the
2 extent that amounts collected pursuant to Section 201 of
3 this Act and transfers pursuant to this subsection (d) and
4 item (3) of subsection (c) have been deposited and retained
5 in the Fund.

6 (3) As soon as possible after the end of each fiscal
7 year, the Director shall order transferred and the State
8 Treasurer and State Comptroller shall transfer from the
9 Income Tax Refund Fund to the Personal Property Tax
10 Replacement Fund an amount, certified by the Director to
11 the Comptroller, equal to the excess of the amount
12 collected pursuant to subsections (c) and (d) of Section
13 201 of this Act deposited into the Income Tax Refund Fund
14 during the fiscal year over the amount of refunds resulting
15 from overpayment of tax liability under subsections (c) and
16 (d) of Section 201 of this Act paid from the Income Tax
17 Refund Fund during the fiscal year.

18 (4) As soon as possible after the end of each fiscal
19 year, the Director shall order transferred and the State
20 Treasurer and State Comptroller shall transfer from the
21 Personal Property Tax Replacement Fund to the Income Tax
22 Refund Fund an amount, certified by the Director to the
23 Comptroller, equal to the excess of the amount of refunds
24 resulting from overpayment of tax liability under
25 subsections (c) and (d) of Section 201 of this Act paid
26 from the Income Tax Refund Fund during the fiscal year over

1 the amount collected pursuant to subsections (c) and (d) of
2 Section 201 of this Act deposited into the Income Tax
3 Refund Fund during the fiscal year.

4 (4.5) As soon as possible after the end of fiscal year
5 1999 and of each fiscal year thereafter, the Director shall
6 order transferred and the State Treasurer and State
7 Comptroller shall transfer from the Income Tax Refund Fund
8 to the General Revenue Fund any surplus remaining in the
9 Income Tax Refund Fund as of the end of such fiscal year;
10 excluding for fiscal years 2000, 2001, and 2002 amounts
11 attributable to transfers under item (3) of subsection (c)
12 less refunds resulting from the earned income tax credit.

13 (5) This Act shall constitute an irrevocable and
14 continuing appropriation from the Income Tax Refund Fund
15 for the purpose of paying refunds upon the order of the
16 Director in accordance with the provisions of this Section.

17 (e) Deposits into the Education Assistance Fund and the
18 Income Tax Surcharge Local Government Distributive Fund.

19 On July 1, 1991, and thereafter, of the amounts collected
20 pursuant to subsections (a) and (b) of Section 201 of this Act,
21 minus deposits into the Income Tax Refund Fund, the Department
22 shall deposit 7.3% into the Education Assistance Fund in the
23 State Treasury. Beginning July 1, 1991, and continuing through
24 January 31, 1993, of the amounts collected pursuant to
25 subsections (a) and (b) of Section 201 of the Illinois Income
26 Tax Act, minus deposits into the Income Tax Refund Fund, the

1 Department shall deposit 3.0% into the Income Tax Surcharge
2 Local Government Distributive Fund in the State Treasury.
3 Beginning February 1, 1993 and continuing through June 30,
4 1993, of the amounts collected pursuant to subsections (a) and
5 (b) of Section 201 of the Illinois Income Tax Act, minus
6 deposits into the Income Tax Refund Fund, the Department shall
7 deposit 4.4% into the Income Tax Surcharge Local Government
8 Distributive Fund in the State Treasury. Beginning July 1,
9 1993, and continuing through June 30, 1994, of the amounts
10 collected under subsections (a) and (b) of Section 201 of this
11 Act, minus deposits into the Income Tax Refund Fund, the
12 Department shall deposit 1.475% into the Income Tax Surcharge
13 Local Government Distributive Fund in the State Treasury.

14 (f) Deposits into the Fund for the Advancement of
15 Education. Beginning February 1, 2015, the Department shall
16 deposit the following portions of the revenue realized from the
17 tax imposed upon individuals, trusts, and estates by
18 subsections (a) and (b) of Section 201 of this Act during the
19 preceding month, minus deposits into the Income Tax Refund
20 Fund, into the Fund for the Advancement of Education:

21 (1) beginning February 1, 2015, and prior to February
22 1, 2025, 1/30; and

23 (2) beginning February 1, 2025, 1/26.

24 If the rate of tax imposed by subsection (a) and (b) of
25 Section 201 is reduced pursuant to Section 201.5 of this Act,
26 the Department shall not make the deposits required by this

1 subsection (f) on or after the effective date of the reduction.

2 (g) Deposits into the Commitment to Human Services Fund.
3 Beginning February 1, 2015, the Department shall deposit the
4 following portions of the revenue realized from the tax imposed
5 upon individuals, trusts, and estates by subsections (a) and
6 (b) of Section 201 of this Act during the preceding month,
7 minus deposits into the Income Tax Refund Fund, into the
8 Commitment to Human Services Fund:

9 (1) beginning February 1, 2015, and prior to February
10 1, 2025, 1/30; and

11 (2) beginning February 1, 2025, 1/26.

12 If the rate of tax imposed by subsection (a) and (b) of
13 Section 201 is reduced pursuant to Section 201.5 of this Act,
14 the Department shall not make the deposits required by this
15 subsection (g) on or after the effective date of the reduction.

16 (h) Deposits into the Tax Compliance and Administration
17 Fund. Beginning on the first day of the first calendar month to
18 occur on or after August 26, 2014 (the effective date of Public
19 Act 98-1098) ~~this amendatory Act of the 98th General Assembly,~~
20 each month the Department shall pay into the Tax Compliance and
21 Administration Fund, to be used, subject to appropriation, to
22 fund additional auditors and compliance personnel at the
23 Department, an amount equal to 1/12 of 5% of the cash receipts
24 collected during the preceding fiscal year by the Audit Bureau
25 of the Department from the tax imposed by subsections (a), (b),
26 (c), and (d) of Section 201 of this Act, net of deposits into

1 the Income Tax Refund Fund made from those cash receipts.
2 (Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24,
3 eff. 6-19-13; 98-674, eff. 6-30-14; 98-1052, eff. 8-26-14;
4 98-1098, eff. 8-26-14; revised 9-26-14.)

5 Section 145. The Use Tax Act is amended by changing Section
6 2 as follows:

7 (35 ILCS 105/2) (from Ch. 120, par. 439.2)

8 Sec. 2. Definitions.

9 "Use" means the exercise by any person of any right or
10 power over tangible personal property incident to the ownership
11 of that property, except that it does not include the sale of
12 such property in any form as tangible personal property in the
13 regular course of business to the extent that such property is
14 not first subjected to a use for which it was purchased, and
15 does not include the use of such property by its owner for
16 demonstration purposes: Provided that the property purchased
17 is deemed to be purchased for the purpose of resale, despite
18 first being used, to the extent to which it is resold as an
19 ingredient of an intentionally produced product or by-product
20 of manufacturing. "Use" does not mean the demonstration use or
21 interim use of tangible personal property by a retailer before
22 he sells that tangible personal property. For watercraft or
23 aircraft, if the period of demonstration use or interim use by
24 the retailer exceeds 18 months, the retailer shall pay on the

1 retailers' original cost price the tax imposed by this Act, and
2 no credit for that tax is permitted if the watercraft or
3 aircraft is subsequently sold by the retailer. "Use" does not
4 mean the physical incorporation of tangible personal property,
5 to the extent not first subjected to a use for which it was
6 purchased, as an ingredient or constituent, into other tangible
7 personal property (a) which is sold in the regular course of
8 business or (b) which the person incorporating such ingredient
9 or constituent therein has undertaken at the time of such
10 purchase to cause to be transported in interstate commerce to
11 destinations outside the State of Illinois: Provided that the
12 property purchased is deemed to be purchased for the purpose of
13 resale, despite first being used, to the extent to which it is
14 resold as an ingredient of an intentionally produced product or
15 by-product of manufacturing.

16 "Watercraft" means a Class 2, Class 3, or Class 4
17 watercraft as defined in Section 3-2 of the Boat Registration
18 and Safety Act, a personal watercraft, or any boat equipped
19 with an inboard motor.

20 "Purchase at retail" means the acquisition of the ownership
21 of or title to tangible personal property through a sale at
22 retail.

23 "Purchaser" means anyone who, through a sale at retail,
24 acquires the ownership of tangible personal property for a
25 valuable consideration.

26 "Sale at retail" means any transfer of the ownership of or

1 title to tangible personal property to a purchaser, for the
2 purpose of use, and not for the purpose of resale in any form
3 as tangible personal property to the extent not first subjected
4 to a use for which it was purchased, for a valuable
5 consideration: Provided that the property purchased is deemed
6 to be purchased for the purpose of resale, despite first being
7 used, to the extent to which it is resold as an ingredient of
8 an intentionally produced product or by-product of
9 manufacturing. For this purpose, slag produced as an incident
10 to manufacturing pig iron or steel and sold is considered to be
11 an intentionally produced by-product of manufacturing. "Sale
12 at retail" includes any such transfer made for resale unless
13 made in compliance with Section 2c of the Retailers' Occupation
14 Tax Act, as incorporated by reference into Section 12 of this
15 Act. Transactions whereby the possession of the property is
16 transferred but the seller retains the title as security for
17 payment of the selling price are sales.

18 "Sale at retail" shall also be construed to include any
19 Illinois florist's sales transaction in which the purchase
20 order is received in Illinois by a florist and the sale is for
21 use or consumption, but the Illinois florist has a florist in
22 another state deliver the property to the purchaser or the
23 purchaser's donee in such other state.

24 Nonreusable tangible personal property that is used by
25 persons engaged in the business of operating a restaurant,
26 cafeteria, or drive-in is a sale for resale when it is

1 transferred to customers in the ordinary course of business as
2 part of the sale of food or beverages and is used to deliver,
3 package, or consume food or beverages, regardless of where
4 consumption of the food or beverages occurs. Examples of those
5 items include, but are not limited to nonreusable, paper and
6 plastic cups, plates, baskets, boxes, sleeves, buckets or other
7 containers, utensils, straws, placemats, napkins, doggie bags,
8 and wrapping or packaging materials that are transferred to
9 customers as part of the sale of food or beverages in the
10 ordinary course of business.

11 The purchase, employment and transfer of such tangible
12 personal property as newsprint and ink for the primary purpose
13 of conveying news (with or without other information) is not a
14 purchase, use or sale of tangible personal property.

15 "Selling price" means the consideration for a sale valued
16 in money whether received in money or otherwise, including
17 cash, credits, property other than as hereinafter provided, and
18 services, but not including the value of or credit given for
19 traded-in tangible personal property where the item that is
20 traded-in is of like kind and character as that which is being
21 sold, and shall be determined without any deduction on account
22 of the cost of the property sold, the cost of materials used,
23 labor or service cost or any other expense whatsoever, but does
24 not include interest or finance charges which appear as
25 separate items on the bill of sale or sales contract nor
26 charges that are added to prices by sellers on account of the

1 seller's tax liability under the "Retailers' Occupation Tax
2 Act", or on account of the seller's duty to collect, from the
3 purchaser, the tax that is imposed by this Act, or, except as
4 otherwise provided with respect to any cigarette tax imposed by
5 a home rule unit, on account of the seller's tax liability
6 under any local occupation tax administered by the Department,
7 or, except as otherwise provided with respect to any cigarette
8 tax imposed by a home rule unit on account of the seller's duty
9 to collect, from the purchasers, the tax that is imposed under
10 any local use tax administered by the Department. Effective
11 December 1, 1985, "selling price" shall include charges that
12 are added to prices by sellers on account of the seller's tax
13 liability under the Cigarette Tax Act, on account of the
14 seller's duty to collect, from the purchaser, the tax imposed
15 under the Cigarette Use Tax Act, and on account of the seller's
16 duty to collect, from the purchaser, any cigarette tax imposed
17 by a home rule unit.

18 Notwithstanding any law to the contrary, for any motor
19 vehicle, as defined in Section 1-146 of the Vehicle Code, that
20 is sold on or after January 1, 2015 for the purpose of leasing
21 the vehicle for a defined period that is longer than one year
22 and (1) is a motor vehicle of the second division that: (A) is
23 a self-contained motor vehicle designed or permanently
24 converted to provide living quarters for recreational,
25 camping, or travel use, with direct walk through access to the
26 living quarters from the driver's seat; (B) is of the van

1 configuration designed for the transportation of not less than
2 7 nor more than 16 passengers; or (C) has a gross vehicle
3 weight rating of 8,000 pounds or less or (2) is a motor vehicle
4 of the first division, "selling price" or "amount of sale"
5 means the consideration received by the lessor pursuant to the
6 lease contract, including amounts due at lease signing and all
7 monthly or other regular payments charged over the term of the
8 lease. Also included in the selling price is any amount
9 received by the lessor from the lessee for the leased vehicle
10 that is not calculated at the time the lease is executed,
11 including, but not limited to, excess mileage charges and
12 charges for excess wear and tear. For sales that occur in
13 Illinois, with respect to any amount received by the lessor
14 from the lessee for the leased vehicle that is not calculated
15 at the time the lease is executed, the lessor who purchased the
16 motor vehicle does not incur the tax imposed by the Use Tax Act
17 on those amounts, and the retailer who makes the retail sale of
18 the motor vehicle to the lessor is not required to collect the
19 tax imposed by this Act or to pay the tax imposed by the
20 Retailers' Occupation Tax Act on those amounts. However, the
21 lessor who purchased the motor vehicle assumes the liability
22 for reporting and paying the tax on those amounts directly to
23 the Department in the same form (Illinois Retailers' Occupation
24 Tax, and local retailers' occupation taxes, if applicable) in
25 which the retailer would have reported and paid such tax if the
26 retailer had accounted for the tax to the Department. For

1 amounts received by the lessor from the lessee that are not
2 calculated at the time the lease is executed, the lessor must
3 file the return and pay the tax to the Department by the due
4 date otherwise required by this Act for returns other than
5 transaction returns. If the retailer is entitled under this Act
6 to a discount for collecting and remitting the tax imposed
7 under this Act to the Department with respect to the sale of
8 the motor vehicle to the lessor, then the right to the discount
9 provided in this Act shall be transferred to the lessor with
10 respect to the tax paid by the lessor for any amount received
11 by the lessor from the lessee for the leased vehicle that is
12 not calculated at the time the lease is executed; provided that
13 the discount is only allowed if the return is timely filed and
14 for amounts timely paid. The "selling price" of a motor vehicle
15 that is sold on or after January 1, 2015 for the purpose of
16 leasing for a defined period of longer than one year shall not
17 be reduced by the value of or credit given for traded-in
18 tangible personal property owned by the lessor, nor shall it be
19 reduced by the value of or credit given for traded-in tangible
20 personal property owned by the lessee, regardless of whether
21 the trade-in value thereof is assigned by the lessee to the
22 lessor. In the case of a motor vehicle that is sold for the
23 purpose of leasing for a defined period of longer than one
24 year, the sale occurs at the time of the delivery of the
25 vehicle, regardless of the due date of any lease payments. A
26 lessor who incurs a Retailers' Occupation Tax liability on the

1 sale of a motor vehicle coming off lease may not take a credit
2 against that liability for the Use Tax the lessor paid upon the
3 purchase of the motor vehicle (or for any tax the lessor paid
4 with respect to any amount received by the lessor from the
5 lessee for the leased vehicle that was not calculated at the
6 time the lease was executed) if the selling price of the motor
7 vehicle at the time of purchase was calculated using the
8 definition of "selling price" as defined in this paragraph.
9 Notwithstanding any other provision of this Act to the
10 contrary, lessors shall file all returns and make all payments
11 required under this paragraph to the Department by electronic
12 means in the manner and form as required by the Department.
13 This paragraph does not apply to leases of motor vehicles for
14 which, at the time the lease is entered into, the term of the
15 lease is not a defined period, including leases with a defined
16 initial period with the option to continue the lease on a
17 month-to-month or other basis beyond the initial defined
18 period.

19 The phrase "like kind and character" shall be liberally
20 construed (including but not limited to any form of motor
21 vehicle for any form of motor vehicle, or any kind of farm or
22 agricultural implement for any other kind of farm or
23 agricultural implement), while not including a kind of item
24 which, if sold at retail by that retailer, would be exempt from
25 retailers' occupation tax and use tax as an isolated or
26 occasional sale.

1 "Department" means the Department of Revenue.

2 "Person" means any natural individual, firm, partnership,
3 association, joint stock company, joint adventure, public or
4 private corporation, limited liability company, or a receiver,
5 executor, trustee, guardian or other representative appointed
6 by order of any court.

7 "Retailer" means and includes every person engaged in the
8 business of making sales at retail as defined in this Section.

9 A person who holds himself or herself out as being engaged
10 (or who habitually engages) in selling tangible personal
11 property at retail is a retailer hereunder with respect to such
12 sales (and not primarily in a service occupation)
13 notwithstanding the fact that such person designs and produces
14 such tangible personal property on special order for the
15 purchaser and in such a way as to render the property of value
16 only to such purchaser, if such tangible personal property so
17 produced on special order serves substantially the same
18 function as stock or standard items of tangible personal
19 property that are sold at retail.

20 A person whose activities are organized and conducted
21 primarily as a not-for-profit service enterprise, and who
22 engages in selling tangible personal property at retail
23 (whether to the public or merely to members and their guests)
24 is a retailer with respect to such transactions, excepting only
25 a person organized and operated exclusively for charitable,
26 religious or educational purposes either (1), to the extent of

1 sales by such person to its members, students, patients or
2 inmates of tangible personal property to be used primarily for
3 the purposes of such person, or (2), to the extent of sales by
4 such person of tangible personal property which is not sold or
5 offered for sale by persons organized for profit. The selling
6 of school books and school supplies by schools at retail to
7 students is not "primarily for the purposes of" the school
8 which does such selling. This paragraph does not apply to nor
9 subject to taxation occasional dinners, social or similar
10 activities of a person organized and operated exclusively for
11 charitable, religious or educational purposes, whether or not
12 such activities are open to the public.

13 A person who is the recipient of a grant or contract under
14 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
15 serves meals to participants in the federal Nutrition Program
16 for the Elderly in return for contributions established in
17 amount by the individual participant pursuant to a schedule of
18 suggested fees as provided for in the federal Act is not a
19 retailer under this Act with respect to such transactions.

20 Persons who engage in the business of transferring tangible
21 personal property upon the redemption of trading stamps are
22 retailers hereunder when engaged in such business.

23 The isolated or occasional sale of tangible personal
24 property at retail by a person who does not hold himself out as
25 being engaged (or who does not habitually engage) in selling
26 such tangible personal property at retail or a sale through a

1 bulk vending machine does not make such person a retailer
2 hereunder. However, any person who is engaged in a business
3 which is not subject to the tax imposed by the "Retailers'
4 Occupation Tax Act" because of involving the sale of or a
5 contract to sell real estate or a construction contract to
6 improve real estate, but who, in the course of conducting such
7 business, transfers tangible personal property to users or
8 consumers in the finished form in which it was purchased, and
9 which does not become real estate, under any provision of a
10 construction contract or real estate sale or real estate sales
11 agreement entered into with some other person arising out of or
12 because of such nontaxable business, is a retailer to the
13 extent of the value of the tangible personal property so
14 transferred. If, in such transaction, a separate charge is made
15 for the tangible personal property so transferred, the value of
16 such property, for the purposes of this Act, is the amount so
17 separately charged, but not less than the cost of such property
18 to the transferor; if no separate charge is made, the value of
19 such property, for the purposes of this Act, is the cost to the
20 transferor of such tangible personal property.

21 "Retailer maintaining a place of business in this State",
22 or any like term, means and includes any of the following
23 retailers:

- 24 1. A retailer having or maintaining within this State,
25 directly or by a subsidiary, an office, distribution house,
26 sales house, warehouse or other place of business, or any

1 agent or other representative operating within this State
2 under the authority of the retailer or its subsidiary,
3 irrespective of whether such place of business or agent or
4 other representative is located here permanently or
5 temporarily, or whether such retailer or subsidiary is
6 licensed to do business in this State. However, the
7 ownership of property that is located at the premises of a
8 printer with which the retailer has contracted for printing
9 and that consists of the final printed product, property
10 that becomes a part of the final printed product, or copy
11 from which the printed product is produced shall not result
12 in the retailer being deemed to have or maintain an office,
13 distribution house, sales house, warehouse, or other place
14 of business within this State.

15 1.1. A retailer having a contract with a person located
16 in this State under which the person, for a commission or
17 other consideration based upon the sale of tangible
18 personal property by the retailer, directly or indirectly
19 refers potential customers to the retailer by providing to
20 the potential customers a promotional code or other
21 mechanism that allows the retailer to track purchases
22 referred by such persons. Examples of mechanisms that allow
23 the retailer to track purchases referred by such persons
24 include but are not limited to the use of a link on the
25 person's Internet website, promotional codes distributed
26 through the person's hand-delivered or mailed material,

1 and promotional codes distributed by the person through
2 radio or other broadcast media. The provisions of this
3 paragraph 1.1 shall apply only if the cumulative gross
4 receipts from sales of tangible personal property by the
5 retailer to customers who are referred to the retailer by
6 all persons in this State under such contracts exceed
7 \$10,000 during the preceding 4 quarterly periods ending on
8 the last day of March, June, September, and December. A
9 retailer meeting the requirements of this paragraph 1.1
10 shall be presumed to be maintaining a place of business in
11 this State but may rebut this presumption by submitting
12 proof that the referrals or other activities pursued within
13 this State by such persons were not sufficient to meet the
14 nexus standards of the United States Constitution during
15 the preceding 4 quarterly periods.

16 1.2. Beginning July 1, 2011, a retailer having a
17 contract with a person located in this State under which:

18 A. the retailer sells the same or substantially
19 similar line of products as the person located in this
20 State and does so using an identical or substantially
21 similar name, trade name, or trademark as the person
22 located in this State; and

23 B. the retailer provides a commission or other
24 consideration to the person located in this State based
25 upon the sale of tangible personal property by the
26 retailer.

1 The provisions of this paragraph 1.2 shall apply only if
2 the cumulative gross receipts from sales of tangible
3 personal property by the retailer to customers in this
4 State under all such contracts exceed \$10,000 during the
5 preceding 4 quarterly periods ending on the last day of
6 March, June, September, and December.

7 2. A retailer soliciting orders for tangible personal
8 property by means of a telecommunication or television
9 shopping system (which utilizes toll free numbers) which is
10 intended by the retailer to be broadcast by cable
11 television or other means of broadcasting, to consumers
12 located in this State.

13 3. A retailer, pursuant to a contract with a
14 broadcaster or publisher located in this State, soliciting
15 orders for tangible personal property by means of
16 advertising which is disseminated primarily to consumers
17 located in this State and only secondarily to bordering
18 jurisdictions.

19 4. A retailer soliciting orders for tangible personal
20 property by mail if the solicitations are substantial and
21 recurring and if the retailer benefits from any banking,
22 financing, debt collection, telecommunication, or
23 marketing activities occurring in this State or benefits
24 from the location in this State of authorized installation,
25 servicing, or repair facilities.

26 5. A retailer that is owned or controlled by the same

1 interests that own or control any retailer engaging in
2 business in the same or similar line of business in this
3 State.

4 6. A retailer having a franchisee or licensee operating
5 under its trade name if the franchisee or licensee is
6 required to collect the tax under this Section.

7 7. A retailer, pursuant to a contract with a cable
8 television operator located in this State, soliciting
9 orders for tangible personal property by means of
10 advertising which is transmitted or distributed over a
11 cable television system in this State.

12 8. A retailer engaging in activities in Illinois, which
13 activities in the state in which the retail business
14 engaging in such activities is located would constitute
15 maintaining a place of business in that state.

16 "Bulk vending machine" means a vending machine, containing
17 unsorted confections, nuts, toys, or other items designed
18 primarily to be used or played with by children which, when a
19 coin or coins of a denomination not larger than \$0.50 are
20 inserted, are dispensed in equal portions, at random and
21 without selection by the customer.

22 (Source: P.A. 98-628, eff. 1-1-15; 98-1080, eff. 8-26-14;
23 98-1089, eff. 1-1-15; revised 10-1-14.)

24 Section 150. The Cigarette Tax Act is amended by changing
25 Section 4g as follows:

1 (35 ILCS 130/4g)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 4g. Retailer's license. Beginning on January 1, 2016,
5 no person may engage in business as a retailer of cigarettes in
6 this State without first having obtained a license from the
7 Department. Application for license shall be made to the
8 Department, by electronic means, in a form prescribed by the
9 Department. Each applicant for a license under this Section
10 shall furnish to the Department, in an electronic format
11 established by the Department, the following information:

12 (1) the name and address of the applicant;

13 (2) the address of the location at which the applicant
14 proposes to engage in business as a retailer of cigarettes
15 in this State; and

16 (3) such other additional information as the
17 Department may lawfully require by its rules and
18 regulations.

19 The annual license fee payable to the Department for each
20 retailer's license shall be \$75. The fee shall be deposited
21 into the Tax Compliance and Administration Fund and shall be
22 for the cost of tobacco retail inspection and contraband
23 tobacco and tobacco smuggling with at least two-thirds of the
24 money being used for contraband tobacco and tobacco smuggling
25 operations and enforcement.

1 Each applicant for a license shall pay the fee to the
2 Department at the time of submitting its application for a
3 license to the Department. The Department shall require an
4 applicant for a license under this Section to electronically
5 file and pay the fee.

6 A separate annual license fee shall be paid for each place
7 of business at which a person who is required to procure a
8 retailer's license under this Section proposes to engage in
9 business as a retailer in Illinois under this Act.

10 The following are ineligible to receive a retailer's
11 license under this Act:

12 (1) a person who has been convicted of a felony related
13 to the illegal transportation, sale, or distribution of
14 cigarettes, or a tobacco-related felony, under any federal
15 or State law, if the Department, after investigation and a
16 hearing if requested by the applicant, determines that the
17 person has not been sufficiently rehabilitated to warrant
18 the public trust; or

19 (2) a corporation, if any officer, manager, or director
20 thereof, or any stockholder or stockholders owning in the
21 aggregate more than 5% of the stock of such corporation,
22 would not be eligible to receive a license under this Act
23 for any reason.

24 The Department, upon receipt of an application and license
25 fee, in proper form, from a person who is eligible to receive a
26 retailer's license under this Act, shall issue to such

1 applicant a license in form as prescribed by the Department.
2 That license shall permit the applicant to whom it is issued to
3 engage in business as a retailer under this Act at the place
4 shown in his or her application. All licenses issued by the
5 Department under this Section shall be valid for a period not
6 to exceed one year after issuance unless sooner revoked,
7 canceled, or suspended as provided in this Act. No license
8 issued under this Section is transferable or assignable. The
9 license shall be conspicuously displayed in the place of
10 business conducted by the licensee in Illinois under such
11 license. The Department shall not issue a retailer's license to
12 a retailer unless the retailer is also registered under the
13 Retailers' Occupation Tax Act. A person who obtains a license
14 as a retailer who ceases to do business as specified in the
15 license, or who never commenced business, or who obtains a
16 distributor's license, or whose license is suspended or
17 revoked, shall immediately surrender the license to the
18 Department.

19 Any person aggrieved by any decision of the Department
20 under this Section ~~subsection~~ may, within 30 days after notice
21 of the decision, protest and request a hearing. Upon receiving
22 a request for a hearing, the Department shall give written
23 notice to the person requesting the hearing of the time and
24 place fixed for the hearing and shall hold a hearing in
25 conformity with the provisions of this Act and then issue its
26 final administrative decision in the matter to that person. In

1 the absence of a protest and request for a hearing within 30
2 days, the Department's decision shall become final without any
3 further determination being made or notice given.

4 (Source: P.A. 98-1055, eff. 1-1-16; revised 12-1-14.)

5 Section 155. The Tobacco Products Tax Act of 1995 is
6 amended by changing Section 10-21 as follows:

7 (35 ILCS 143/10-21)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 Sec. 10-21. Retailer's license. Beginning on January 1,
11 2016, no person may engage in business as a retailer of tobacco
12 products in this State without first having obtained a license
13 from the Department. Application for license shall be made to
14 the Department, by electronic means, in a form prescribed by
15 the Department. Each applicant for a license under this Section
16 shall furnish to the Department, in an electronic format
17 established by the Department, the following information:

18 (1) the name and address of the applicant;

19 (2) the address of the location at which the applicant
20 proposes to engage in business as a retailer of tobacco
21 products in this State;

22 (3) such other additional information as the
23 Department may lawfully require by its rules and
24 regulations.

1 The annual license fee payable to the Department for each
2 retailer's license shall be \$75. The fee will be deposited into
3 the Tax Compliance and Administration Fund and shall be used
4 for the cost of tobacco retail inspection and contraband
5 tobacco and tobacco smuggling with at least two-thirds of the
6 money being used for contraband tobacco and tobacco smuggling
7 operations and enforcement.

8 Each applicant for license shall pay such fee to the
9 Department at the time of submitting its application for
10 license to the Department. The Department shall require an
11 applicant for a license under this Section to electronically
12 file and pay the fee.

13 A separate annual license fee shall be paid for each place
14 of business at which a person who is required to procure a
15 retailer's license under this Section proposes to engage in
16 business as a retailer in Illinois under this Act.

17 The following are ineligible to receive a retailer's
18 license under this Act:

19 (1) a person who has been convicted of a felony under
20 any federal or State law for smuggling cigarettes or
21 tobacco products or tobacco tax evasion, if the Department,
22 after investigation and a hearing if requested by the
23 applicant, determines that such person has not been
24 sufficiently rehabilitated to warrant the public trust;
25 and

26 (2) a corporation, if any officer, manager or director

1 thereof, or any stockholder or stockholders owning in the
2 aggregate more than 5% of the stock of such corporation,
3 would not be eligible to receive a license under this Act
4 for any reason.

5 The Department, upon receipt of an application and license
6 fee, in proper form, from a person who is eligible to receive a
7 retailer's license under this Act, shall issue to such
8 applicant a license in form as prescribed by the Department,
9 which license shall permit the applicant to which it is issued
10 to engage in business as a retailer under this Act at the place
11 shown in his application. All licenses issued by the Department
12 under this Section shall be valid for a period not to exceed
13 one year after issuance unless sooner revoked, canceled or
14 suspended as provided in this Act. No license issued under this
15 Section is transferable or assignable. Such license shall be
16 conspicuously displayed in the place of business conducted by
17 the licensee in Illinois under such license. A person who
18 obtains a license as a retailer who ceases to do business as
19 specified in the license, or who never commenced business, or
20 who obtains a distributor's license, or whose license is
21 suspended or revoked, shall immediately surrender the license
22 to the Department. The Department shall not issue a license to
23 a retailer unless the retailer is also validly registered under
24 the Retailers Occupation Tax Act.

25 A retailer as defined under this Act need not obtain an
26 additional license under this Act, but shall be deemed to be

1 sufficiently licensed by virtue of his being properly licensed
2 as a retailer under Section 4g of the Cigarette Tax Act.

3 Any person aggrieved by any decision of the Department
4 under this Section ~~subsection~~ may, within 30 days after notice
5 of the decision, protest and request a hearing. Upon receiving
6 a request for a hearing, the Department shall give notice to
7 the person requesting the hearing of the time and place fixed
8 for the hearing and shall hold a hearing in conformity with the
9 provisions of this Act and then issue its final administrative
10 decision in the matter to that person. In the absence of a
11 protest and request for a hearing within 30 days, the
12 Department's decision shall become final without any further
13 determination being made or notice given.

14 (Source: P.A. 98-1055, eff. 1-1-16; revised 12-1-14.)

15 Section 160. The Local Government Disaster Service
16 Volunteer Act is amended by changing Section 15 as follows:

17 (50 ILCS 122/15)

18 Sec. 15. Local government disaster service volunteer
19 leave. An employee of a local agency who is a certified
20 disaster service volunteer of the American Red Cross or
21 assigned to the Illinois Emergency Management Agency in
22 accordance with the Illinois Emergency Management Agency Act,
23 the Emergency Management Assistance Compact Act, or other
24 applicable administrative rules may be granted leave from his

1 or her work with pay for not more than 20 working days in any
2 12-month period to participate in specialized disaster relief
3 services for the American Red Cross or for the Illinois
4 Emergency Management Agency, as the case may be, upon the
5 request of the American Red Cross or the Illinois Emergency
6 Management Agency for the services of that employee and upon
7 the approval of that employee's agency, without loss of
8 seniority, pay, vacation time, compensatory time, personal
9 days, sick time, or earned overtime accumulation. The agency
10 must compensate an employee granted leave under this Section at
11 his or her regular rate of pay for those regular work hours
12 during which the employee is absent from work. Leave under this
13 Act shall not be unreasonably denied for services related to a
14 disaster within the United States or its territories.

15 (Source: P.A. 92-95, eff. 7-18-01; 93-893, eff. 8-10-04;
16 revised 12-1-14.)

17 Section 165. The Illinois Police Training Act is amended by
18 changing Section 9 as follows:

19 (50 ILCS 705/9) (from Ch. 85, par. 509)

20 Sec. 9. A special fund is hereby established in the State
21 Treasury to be known as the ~~"The~~ Traffic and Criminal
22 Conviction Surcharge Fund^u and shall be financed as provided in
23 Section 9.1 of this Act and Section 5-9-1 of the ~~"~~Unified Code
24 of Corrections^u, unless the fines, costs, or additional amounts

1 imposed are subject to disbursement by the circuit clerk under
2 Section 27.5 of the Clerks of Courts Act. Moneys in this Fund
3 shall be expended as follows:

4 (1) a ~~A~~ portion of the total amount deposited in the
5 Fund may be used, as appropriated by the General Assembly,
6 for the ordinary and contingent expenses of the Illinois
7 Law Enforcement Training Standards Board;

8 (2) a ~~A~~ portion of the total amount deposited in the
9 Fund shall be appropriated for the reimbursement of local
10 governmental agencies participating in training programs
11 certified by the Board, in an amount equaling 1/2 of the
12 total sum paid by such agencies during the State's previous
13 fiscal year for mandated training for probationary police
14 officers or probationary county corrections officers and
15 for optional advanced and specialized law enforcement or
16 county corrections training; these. ~~These~~ reimbursements
17 may include the costs for tuition at training schools, the
18 salaries of trainees while in schools, and the necessary
19 travel and room and board expenses for each trainee; if. ~~If~~
20 the appropriations under this paragraph (2) are not
21 sufficient to fully reimburse the participating local
22 governmental agencies, the available funds shall be
23 apportioned among such agencies, with priority first given
24 to repayment of the costs of mandatory training given to
25 law enforcement officer or county corrections officer
26 recruits, then to repayment of costs of advanced or

1 specialized training for permanent police officers or
2 permanent county corrections officers;

3 (3) a ~~A~~ portion of the total amount deposited in the
4 Fund may be used to fund the "Intergovernmental Law
5 Enforcement Officer's In-Service Training Act", veto
6 overridden October 29, 1981, as now or hereafter amended,
7 at a rate and method to be determined by the board;

8 (4) a ~~A~~ portion of the Fund also may be used by the
9 Illinois Department of State Police for expenses incurred
10 in the training of employees from any State, county or
11 municipal agency whose function includes enforcement of
12 criminal or traffic law;

13 (5) a ~~A~~ portion of the Fund may be used by the Board to
14 fund grant-in-aid programs and services for the training of
15 employees from any county or municipal agency whose
16 functions include corrections or the enforcement of
17 criminal or traffic law;

18 (6) for ~~For~~ fiscal years 2013, 2014, and 2015 only, a
19 portion of the Fund also may be used by the Department of
20 State Police to finance any of its lawful purposes or
21 functions; and

22 (7) a ~~A~~ portion of the Fund may be used by the Board,
23 subject to appropriation, to administer grants to local law
24 enforcement agencies for the purpose of purchasing
25 bulletproof vests under the Law Enforcement Officer
26 Bulletproof Vest Act.

1 All payments from the Traffic and Criminal Conviction
2 Surcharge Fund shall be made each year from moneys appropriated
3 for the purposes specified in this Section. No more than 50% of
4 any appropriation under this Act shall be spent in any city
5 having a population of more than 500,000. The State Comptroller
6 and the State Treasurer shall from time to time, at the
7 direction of the Governor, transfer from the Traffic and
8 Criminal Conviction Surcharge Fund to the General Revenue Fund
9 in the State Treasury such amounts as the Governor determines
10 are in excess of the amounts required to meet the obligations
11 of the Traffic and Criminal Conviction Surcharge Fund.

12 (Source: P.A. 97-732, eff. 6-30-12; 98-24, eff. 6-19-13;
13 98-674, eff. 6-30-14; 98-743, eff. 1-1-15; revised 10-1-14.)

14 Section 170. The Children's Advocacy Center Act is amended
15 by changing Section 4 as follows:

16 (55 ILCS 80/4) (from Ch. 23, par. 1804)

17 Sec. 4. Children's Advocacy Center.

18 (a) A CAC may be established to coordinate the activities
19 of the various agencies involved in the investigation,
20 prosecution and treatment of child maltreatment. The
21 individual county or regional Advisory Board shall set the
22 written protocol of the CAC within the appropriate
23 jurisdiction. The operation of the CAC may be funded through
24 public or private grants, contracts, donations, fees, and other

1 available sources under this Act. Each CAC shall operate to the
2 best of its ability in accordance with available funding. In
3 counties in which a referendum has been adopted under Section 5
4 of this Act, the Advisory Board, by the majority vote of its
5 members, shall submit a proposed annual budget for the
6 operation of the CAC to the county board, which shall
7 appropriate funds and levy a tax sufficient to operate the CAC.
8 The county board in each county in which a referendum has been
9 adopted shall establish a Children's Advocacy Center Fund and
10 shall deposit the net proceeds of the tax authorized by Section
11 6 of this Act in that Fund, which shall be kept separate from
12 all other county funds and shall only be used for the purposes
13 of this Act.

14 (b) The Advisory Board shall pay from the Children's
15 Advocacy Center Fund or from other available funds the salaries
16 of all employees of the Center and the expenses of acquiring a
17 physical plant for the Center by construction or lease and
18 maintaining the Center, including the expenses of
19 administering the coordination of the investigation,
20 prosecution and treatment referral of child maltreatment under
21 the provisions of the protocol adopted pursuant to this Act.

22 (c) Every CAC shall include at least the following
23 components:

24 (1) A multidisciplinary, coordinated systems approach
25 to the investigation of child maltreatment which shall
26 include, at a minimum:†

- 1 (i) an interagency notification procedure;
- 2 (ii) a policy on multidisciplinary team
3 collaboration and communication that requires MDT
4 members share information pertinent to investigations
5 and the safety of children;
- 6 (iii) (blank);
- 7 (iv) a description of the role each agency has in
8 responding to a referral for services in an individual
9 case;
- 10 (v) a dispute resolution process between the
11 involved agencies when a conflict arises on how to
12 proceed on the referral of a particular case;
- 13 (vi) a process for the CAC to assist in the
14 forensic interview of children that witness alleged
15 crimes;
- 16 (vii) a child-friendly, trauma informed space for
17 children and their non-offending family members;
- 18 (viii) an MDT approach including law enforcement,
19 prosecution, medical, mental health, victim advocacy,
20 and other community resources;
- 21 (ix) medical evaluation on-site or off-site
22 through referral;
- 23 (x) mental health services on-site or off-site
24 through referral;
- 25 (xi) on-site forensic interviews;
- 26 (xii) culturally competent services;

1 (xiii) case tracking and review;
2 (xiv) case staffing on each investigation;
3 (xv) effective organizational capacity; and
4 (xvi) a policy or procedure to familiarize a child
5 and his or her non-offending family members or
6 guardians with the court process as well as
7 preparations for testifying in court, if necessary;~~;~~

8 (2) A safe, separate space with assigned personnel
9 designated for the investigation and coordination of child
10 maltreatment cases;

11 (3) A multidisciplinary case review process for
12 purposes of decision-making, problem solving, systems
13 coordination, and information sharing;

14 (4) A comprehensive client tracking system to receive
15 and coordinate information concerning child maltreatment
16 cases from each participating agency;

17 (5) Multidisciplinary specialized training for all
18 professionals involved with the victims and non-offending
19 family members in child maltreatment cases; and

20 (6) A process for evaluating the effectiveness of the
21 CAC and its operations.

22 (d) In the event that a CAC has been established as
23 provided in this Section, the Advisory Board of that CAC may,
24 by a majority vote of the members, authorize the CAC to
25 coordinate the activities of the various agencies involved in
26 the investigation, prosecution, and treatment referral in

1 cases of serious or fatal injury to a child. For CACs receiving
2 funds under Section 5 or 6 of this Act, the Advisory Board
3 shall provide for the financial support of these activities in
4 a manner similar to that set out in subsections (a) and (b) of
5 this Section and shall be allowed to submit a budget that
6 includes support for physical abuse and neglect activities to
7 the County Board, which shall appropriate funds that may be
8 available under Section 5 of this Act. In cooperation with the
9 Department of Children and Family Services Child Death Review
10 Teams, the Department of Children and Family Services Office of
11 the Inspector General, and other stakeholders, this protocol
12 must be initially implemented in selected counties to the
13 extent that State appropriations or funds from other sources
14 for this purpose allow.

15 (e) CACI may also provide technical assistance and guidance
16 to the Advisory Boards.

17 (Source: P.A. 98-809, eff. 1-1-15; revised 12-2-2014.)

18 Section 175. The Township Code is amended by changing
19 Section 30-50 as follows:

20 (60 ILCS 1/30-50)

21 Sec. 30-50. Purchase and use of property.

22 (a) The electors may make all orders for the purchase,
23 sale, conveyance, regulation, or use of the township's
24 corporate property (including the direct sale or lease of

1 single township road district property) that may be deemed
2 conducive to the interests of its inhabitants, including the
3 lease, for up to 10 years, or for up to 25 years if the lease is
4 for a wireless telecommunications tower, at fair market value,
5 of corporate property for which no use or need during the lease
6 period is anticipated at the time of leasing. The property may
7 be leased to another governmental body, however, or to a
8 not-for-profit corporation that has contracted to construct or
9 fund the construction of a structure or improvement upon the
10 real estate owned by the township and that has contracted with
11 the township to allow the township to use at least a portion of
12 the structure or improvement to be constructed upon the real
13 estate leased and not otherwise used by the township, for any
14 term not exceeding 50 years and for any consideration. In the
15 case of a not-for-profit corporation, the township shall hold a
16 public hearing on the proposed lease. The township clerk shall
17 give notice of the hearing by publication in a newspaper
18 published in the township, or in a newspaper published in the
19 county and having general circulation in the township if no
20 newspaper is published in the township, and by posting notices
21 in at least 5 public places at least 15 days before the public
22 hearing.

23 (b) If a new tax is to be levied or an existing tax rate is
24 to be increased above the statutory limits for the purchase of
25 the property, however, no action otherwise authorized in
26 subsection (a) shall be taken unless a petition signed by at

1 least 10% of the registered voters residing in the township is
2 presented to the township clerk. If a petition is presented to
3 the township clerk, the clerk shall order a referendum on the
4 proposition. The referendum shall be held at the next annual or
5 special township meeting or at an election in accordance with
6 the general election law. If the referendum is ordered to be
7 held at the township meeting, the township clerk shall give
8 notice that at the next annual or special township meeting the
9 proposition shall be voted upon. The notice shall set forth the
10 proposition and shall be given by publication in a newspaper
11 published in the township. If there is no newspaper published
12 in the township, the notice shall be published in a newspaper
13 published in the county and having general circulation in the
14 township. Notice also shall be given by posting notices in at
15 least 5 public places at least 15 days before the township
16 meeting. If the referendum is ordered to be held at an
17 election, the township clerk shall certify that proposition to
18 the proper election officials, who shall submit the proposition
19 at an election. The proposition shall be submitted in
20 accordance with the general election law.

21 (c) If the leased property is utilized in part for private
22 use and in part for public use, those portions of the
23 improvements devoted to private use are fully taxable. The land
24 is exempt from taxation to the extent that the uses on the land
25 are public and taxable to the extent that the uses are private.

26 (d) Before the township makes a lease or sale of township

1 or road district real property, the electors shall adopt a
2 resolution stating the intent to lease or sell the real
3 property, describing the property in full, and stating the
4 terms and conditions the electors deem necessary and desirable
5 for the lease or sale. A resolution stating the intent to sell
6 real property shall also contain pertinent information
7 concerning the size, use, and zoning of the property. The value
8 of real property shall be determined by a State licensed real
9 estate appraiser. The appraisal shall be available for public
10 inspection. The resolution may direct the sale to be conducted
11 by the staff of the township or by listing with local licensed
12 real estate agencies (in which case the terms of the agent's
13 compensation shall be included in the resolution).

14 Anytime during the year, the township or township road
15 district may lease or sell personal property by a vote of the
16 township board or request of the township highway commissioner.

17 The clerk shall thereafter publish the resolution or
18 personal property sale notice once in a newspaper published in
19 the township or, if no newspaper is published in the township,
20 in a newspaper generally circulated in the township. If no
21 newspaper is generally circulated in the township, the clerk
22 shall post the resolution or personal property sale notice in 5
23 of the most public places in the township. In addition to the
24 foregoing publication requirements, the clerk shall post the
25 resolution or personal property sale notice at the office of
26 the township (if township property is involved) or at the

1 office of the road district (if road district property is
2 involved). The following information shall be published or
3 posted with the resolution or personal property sale notice:

4 (i) the date by which all bids must be received by the township
5 or road district, which shall not be less than 30 days after
6 the date of publication or posting, and (ii) the place, time,
7 and date at which bids shall be opened, which shall be at a
8 regular meeting of the township board.

9 All bids shall be opened by the clerk (or someone duly
10 appointed to act for the clerk) at the regular meeting of the
11 township board described in the notice. With respect to
12 township personal property, the township board may accept the
13 high bid or any other bid determined to be in the best
14 interests of the township by a majority vote of the board. With
15 respect to township real property, the township board may
16 accept the high bid or any other bid determined to be in the
17 best interests of the township by a vote of three-fourths of
18 the township board then holding office, but in no event at a
19 price less than 80% of the appraised value. With respect to
20 road district property, the highway commissioner may accept the
21 high bid or any other bid determined to be in the best
22 interests of the road district. In each case, the township
23 board or commissioner may reject any and all bids. This notice
24 and competitive bidding procedure shall not be followed when
25 property is leased to another governmental body. The notice and
26 competitive bidding procedure shall not be followed when real

1 or personal property is declared surplus by the township board
2 or the highway commissioner and sold to another governmental
3 body.

4 The township board or the highway commissioner may
5 authorize the sale of personal property by public auction
6 conducted by an auctioneer licensed under the Auction License
7 Act or through an approved Internet auction service.

8 (e) A trade-in of machinery or equipment on new or
9 different machinery or equipment does not constitute the sale
10 of township or road district property.

11 (Source: P.A. 97-337, eff. 8-12-11; 98-549, eff. 8-26-13;
12 98-653, eff. 6-18-14; revised 6-24-14.)

13 Section 180. The Illinois Municipal Code is amended by
14 changing Sections 10-1-7.1, 10-2.1-6.3, 11-12-5, and
15 11-74.4-3.5 as follows:

16 (65 ILCS 5/10-1-7.1)

17 Sec. 10-1-7.1. Original appointments; full-time fire
18 department.

19 (a) Applicability. Unless a commission elects to follow the
20 provisions of Section 10-1-7.2, this Section shall apply to all
21 original appointments to an affected full-time fire
22 department. Existing registers of eligibles shall continue to
23 be valid until their expiration dates, or up to a maximum of 2
24 years after the effective date of this amendatory Act of the

1 97th General Assembly.

2 Notwithstanding any statute, ordinance, rule, or other law
3 to the contrary, all original appointments to an affected
4 department to which this Section applies shall be administered
5 in the manner provided for in this Section. Provisions of the
6 Illinois Municipal Code, municipal ordinances, and rules
7 adopted pursuant to such authority and other laws relating to
8 initial hiring of firefighters in affected departments shall
9 continue to apply to the extent they are compatible with this
10 Section, but in the event of a conflict between this Section
11 and any other law, this Section shall control.

12 A home rule or non-home rule municipality may not
13 administer its fire department process for original
14 appointments in a manner that is less stringent than this
15 Section. This Section is a limitation under subsection (i) of
16 Section 6 of Article VII of the Illinois Constitution on the
17 concurrent exercise by home rule units of the powers and
18 functions exercised by the State.

19 A municipality that is operating under a court order or
20 consent decree regarding original appointments to a full-time
21 fire department before the effective date of this amendatory
22 Act of the 97th General Assembly is exempt from the
23 requirements of this Section for the duration of the court
24 order or consent decree.

25 Notwithstanding any other provision of this subsection
26 (a), this Section does not apply to a municipality with more

1 than 1,000,000 inhabitants.

2 (b) Original appointments. All original appointments made
3 to an affected fire department shall be made from a register of
4 eligibles established in accordance with the processes
5 established by this Section. Only persons who meet or exceed
6 the performance standards required by this Section shall be
7 placed on a register of eligibles for original appointment to
8 an affected fire department.

9 Whenever an appointing authority authorizes action to hire
10 a person to perform the duties of a firefighter or to hire a
11 firefighter-paramedic to fill a position that is a new position
12 or vacancy due to resignation, discharge, promotion, death, the
13 granting of a disability or retirement pension, or any other
14 cause, the appointing authority shall appoint to that position
15 the person with the highest ranking on the final eligibility
16 list. If the appointing authority has reason to conclude that
17 the highest ranked person fails to meet the minimum standards
18 for the position or if the appointing authority believes an
19 alternate candidate would better serve the needs of the
20 department, then the appointing authority has the right to pass
21 over the highest ranked person and appoint either: (i) any
22 person who has a ranking in the top 5% of the register of
23 eligibles or (ii) any person who is among the top 5 highest
24 ranked persons on the list of eligibles if the number of people
25 who have a ranking in the top 5% of the register of eligibles
26 is less than 5 people.

1 Any candidate may pass on an appointment once without
2 losing his or her position on the register of eligibles. Any
3 candidate who passes a second time may be removed from the list
4 by the appointing authority provided that such action shall not
5 prejudice a person's opportunities to participate in future
6 examinations, including an examination held during the time a
7 candidate is already on the municipality's register of
8 eligibles.

9 The sole authority to issue certificates of appointment
10 shall be vested in the Civil Service Commission. All
11 certificates of appointment issued to any officer or member of
12 an affected department shall be signed by the chairperson and
13 secretary, respectively, of the commission upon appointment of
14 such officer or member to the affected department by the
15 commission. Each person who accepts a certificate of
16 appointment and successfully completes his or her probationary
17 period shall be enrolled as a firefighter and as a regular
18 member of the fire department.

19 For the purposes of this Section, "firefighter" means any
20 person who has been prior to, on, or after the effective date
21 of this amendatory Act of the 97th General Assembly appointed
22 to a fire department or fire protection district or employed by
23 a State university and sworn or commissioned to perform
24 firefighter duties or paramedic duties, or both, except that
25 the following persons are not included: part-time
26 firefighters; auxiliary, reserve, or voluntary firefighters,

1 including paid-on-call firefighters; clerks and dispatchers or
2 other civilian employees of a fire department or fire
3 protection district who are not routinely expected to perform
4 firefighter duties; and elected officials.

5 (c) Qualification for placement on register of eligibles.
6 The purpose of establishing a register of eligibles is to
7 identify applicants who possess and demonstrate the mental
8 aptitude and physical ability to perform the duties required of
9 members of the fire department in order to provide the highest
10 quality of service to the public. To this end, all applicants
11 for original appointment to an affected fire department shall
12 be subject to examination and testing which shall be public,
13 competitive, and open to all applicants unless the municipality
14 shall by ordinance limit applicants to residents of the
15 municipality, county or counties in which the municipality is
16 located, State, or nation. Any examination and testing
17 procedure utilized under subsection (e) of this Section shall
18 be supported by appropriate validation evidence and shall
19 comply with all applicable State ~~state~~ and federal laws.
20 Municipalities may establish educational, emergency medical
21 service licensure, and other pre-requisites for participation
22 in an examination or for hire as a firefighter. Any
23 municipality may charge a fee to cover the costs of the
24 application process.

25 Residency requirements in effect at the time an individual
26 enters the fire service of a municipality cannot be made more

1 restrictive for that individual during his or her period of
2 service for that municipality, or be made a condition of
3 promotion, except for the rank or position of fire chief and
4 for no more than 2 positions that rank immediately below that
5 of the chief rank which are appointed positions pursuant to the
6 Fire Department Promotion Act.

7 No person who is 35 years of age or older shall be eligible
8 to take an examination for a position as a firefighter unless
9 the person has had previous employment status as a firefighter
10 in the regularly constituted fire department of the
11 municipality, except as provided in this Section. The age
12 limitation does not apply to:

13 (1) any person previously employed as a full-time
14 firefighter in a regularly constituted fire department of
15 (i) any municipality or fire protection district located in
16 Illinois, (ii) a fire protection district whose
17 obligations were assumed by a municipality under Section 21
18 of the Fire Protection District Act, or (iii) a
19 municipality whose obligations were taken over by a fire
20 protection district, or

21 (2) any person who has served a municipality as a
22 regularly enrolled volunteer, paid-on-call, or part-time
23 firefighter for the 5 years immediately preceding the time
24 that the municipality begins to use full-time firefighters
25 to provide all or part of its fire protection service.

26 No person who is under 21 years of age shall be eligible

1 for employment as a firefighter.

2 No applicant shall be examined concerning his or her
3 political or religious opinions or affiliations. The
4 examinations shall be conducted by the commissioners of the
5 municipality or their designees and agents.

6 No municipality shall require that any firefighter
7 appointed to the lowest rank serve a probationary employment
8 period of longer than one year of actual active employment,
9 which may exclude periods of training, or injury or illness
10 leaves, including duty related leave, in excess of 30 calendar
11 days. Notwithstanding anything to the contrary in this Section,
12 the probationary employment period limitation may be extended
13 for a firefighter who is required, as a condition of
14 employment, to be a licensed paramedic, during which time the
15 sole reason that a firefighter may be discharged without a
16 hearing is for failing to meet the requirements for paramedic
17 licensure.

18 In the event that any applicant who has been found eligible
19 for appointment and whose name has been placed upon the final
20 eligibility register provided for in this Division 1 has not
21 been appointed to a firefighter position within one year after
22 the date of his or her physical ability examination, the
23 commission may cause a second examination to be made of that
24 applicant's physical ability prior to his or her appointment.
25 If, after the second examination, the physical ability of the
26 applicant shall be found to be less than the minimum standard

1 fixed by the rules of the commission, the applicant shall not
2 be appointed. The applicant's name may be retained upon the
3 register of candidates eligible for appointment and when next
4 reached for certification and appointment that applicant may be
5 again examined as provided in this Section, and if the physical
6 ability of that applicant is found to be less than the minimum
7 standard fixed by the rules of the commission, the applicant
8 shall not be appointed, and the name of the applicant shall be
9 removed from the register.

10 (d) Notice, examination, and testing components. Notice of
11 the time, place, general scope, merit criteria for any
12 subjective component, and fee of every examination shall be
13 given by the commission, by a publication at least 2 weeks
14 preceding the examination: (i) in one or more newspapers
15 published in the municipality, or if no newspaper is published
16 therein, then in one or more newspapers with a general
17 circulation within the municipality, or (ii) on the
18 municipality's Internet website. Additional notice of the
19 examination may be given as the commission shall prescribe.

20 The examination and qualifying standards for employment of
21 firefighters shall be based on: mental aptitude, physical
22 ability, preferences, moral character, and health. The mental
23 aptitude, physical ability, and preference components shall
24 determine an applicant's qualification for and placement on the
25 final register of eligibles. The examination may also include a
26 subjective component based on merit criteria as determined by

1 the commission. Scores from the examination must be made
2 available to the public.

3 (e) Mental aptitude. No person who does not possess at
4 least a high school diploma or an equivalent high school
5 education shall be placed on a register of eligibles.
6 Examination of an applicant's mental aptitude shall be based
7 upon a written examination. The examination shall be practical
8 in character and relate to those matters that fairly test the
9 capacity of the persons examined to discharge the duties
10 performed by members of a fire department. Written examinations
11 shall be administered in a manner that ensures the security and
12 accuracy of the scores achieved.

13 (f) Physical ability. All candidates shall be required to
14 undergo an examination of their physical ability to perform the
15 essential functions included in the duties they may be called
16 upon to perform as a member of a fire department. For the
17 purposes of this Section, essential functions of the job are
18 functions associated with duties that a firefighter may be
19 called upon to perform in response to emergency calls. The
20 frequency of the occurrence of those duties as part of the fire
21 department's regular routine shall not be a controlling factor
22 in the design of examination criteria or evolutions selected
23 for testing. These physical examinations shall be open,
24 competitive, and based on industry standards designed to test
25 each applicant's physical abilities in the following
26 dimensions:

1 (1) Muscular strength to perform tasks and evolutions
2 that may be required in the performance of duties including
3 grip strength, leg strength, and arm strength. Tests shall
4 be conducted under anaerobic as well as aerobic conditions
5 to test both the candidate's speed and endurance in
6 performing tasks and evolutions. Tasks tested may be based
7 on standards developed, or approved, by the local
8 appointing authority.

9 (2) The ability to climb ladders, operate from heights,
10 walk or crawl in the dark along narrow and uneven surfaces,
11 and operate in proximity to hazardous environments.

12 (3) The ability to carry out critical, time-sensitive,
13 and complex problem solving during physical exertion in
14 stressful and hazardous environments. The testing
15 environment may be hot and dark with tightly enclosed
16 spaces, flashing lights, sirens, and other distractions.

17 The tests utilized to measure each applicant's
18 capabilities in each of these dimensions may be tests based on
19 industry standards currently in use or equivalent tests
20 approved by the Joint Labor-Management Committee of the Office
21 of the State Fire Marshal.

22 Physical ability examinations administered under this
23 Section shall be conducted with a reasonable number of proctors
24 and monitors, open to the public, and subject to reasonable
25 regulations of the commission.

26 (g) Scoring of examination components. Appointing

1 authorities may create a preliminary eligibility register. A
2 person shall be placed on the list based upon his or her
3 passage of the written examination or the passage of the
4 written examination and the physical ability component.
5 Passage of the written examination means attaining the minimum
6 score set by the commission. Minimum scores should be set by
7 the commission so as to demonstrate a candidate's ability to
8 perform the essential functions of the job. The minimum score
9 set by the commission shall be supported by appropriate
10 validation evidence and shall comply with all applicable State
11 ~~state~~ and federal laws. The appointing authority may conduct
12 the physical ability component and any subjective components
13 subsequent to the posting of the preliminary eligibility
14 register.

15 The examination components for an initial eligibility
16 register shall be graded on a 100-point scale. A person's
17 position on the list shall be determined by the following: (i)
18 the person's score on the written examination, (ii) the person
19 successfully passing the physical ability component, and (iii)
20 the person's results on any subjective component as described
21 in subsection (d).

22 In order to qualify for placement on the final eligibility
23 register, an applicant's score on the written examination,
24 before any applicable preference points or subjective points
25 are applied, shall be at or above the minimum score set by the
26 commission. The local appointing authority may prescribe the

1 score to qualify for placement on the final eligibility
2 register, but the score shall not be less than the minimum
3 score set by the commission.

4 The commission shall prepare and keep a register of persons
5 whose total score is not less than the minimum score for
6 passage and who have passed the physical ability examination.
7 These persons shall take rank upon the register as candidates
8 in the order of their relative excellence based on the highest
9 to the lowest total points scored on the mental aptitude,
10 subjective component, and preference components of the test
11 administered in accordance with this Section. No more than 60
12 days after each examination, an initial eligibility list shall
13 be posted by the commission. The list shall include the final
14 grades of the candidates without reference to priority of the
15 time of examination and subject to claim for preference credit.

16 Commissions may conduct additional examinations, including
17 without limitation a polygraph test, after a final eligibility
18 register is established and before it expires with the
19 candidates ranked by total score without regard to date of
20 examination. No more than 60 days after each examination, an
21 initial eligibility list shall be posted by the commission
22 showing the final grades of the candidates without reference to
23 priority of time of examination and subject to claim for
24 preference credit.

25 (h) Preferences. The following are preferences:

26 (1) Veteran preference. Persons who were engaged in the

1 military service of the United States for a period of at
2 least one year of active duty and who were honorably
3 discharged therefrom, or who are now or have been members
4 on inactive or reserve duty in such military or naval
5 service, shall be preferred for appointment to and
6 employment with the fire department of an affected
7 department.

8 (2) Fire cadet preference. Persons who have
9 successfully completed 2 years of study in fire techniques
10 or cadet training within a cadet program established under
11 the rules of the Joint Labor and Management Committee
12 (JLMC), as defined in Section 50 of the Fire Department
13 Promotion Act, may be preferred for appointment to and
14 employment with the fire department.

15 (3) Educational preference. Persons who have
16 successfully obtained an associate's degree in the field of
17 fire service or emergency medical services, or a bachelor's
18 degree from an accredited college or university may be
19 preferred for appointment to and employment with the fire
20 department.

21 (4) Paramedic preference. Persons who have obtained a
22 license as a paramedic may be preferred for appointment to
23 and employment with the fire department of an affected
24 department providing emergency medical services.

25 (5) Experience preference. All persons employed by a
26 municipality who have been paid-on-call or part-time

1 certified Firefighter II, certified Firefighter III, State
2 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or
3 paramedic, or any combination of those capacities may be
4 awarded up to a maximum of 5 points. However, the applicant
5 may not be awarded more than 0.5 points for each complete
6 year of paid-on-call or part-time service. Applicants from
7 outside the municipality who were employed as full-time
8 firefighters or firefighter-paramedics by a fire
9 protection district or another municipality may be awarded
10 up to 5 experience preference points. However, the
11 applicant may not be awarded more than one point for each
12 complete year of full-time service.

13 Upon request by the commission, the governing body of
14 the municipality or in the case of applicants from outside
15 the municipality the governing body of any fire protection
16 district or any other municipality shall certify to the
17 commission, within 10 days after the request, the number of
18 years of successful paid-on-call, part-time, or full-time
19 service of any person. A candidate may not receive the full
20 amount of preference points under this subsection if the
21 amount of points awarded would place the candidate before a
22 veteran on the eligibility list. If more than one candidate
23 receiving experience preference points is prevented from
24 receiving all of their points due to not being allowed to
25 pass a veteran, the candidates shall be placed on the list
26 below the veteran in rank order based on the totals

1 received if all points under this subsection were to be
2 awarded. Any remaining ties on the list shall be determined
3 by lot.

4 (6) Residency preference. Applicants whose principal
5 residence is located within the fire department's
6 jurisdiction may be preferred for appointment to and
7 employment with the fire department.

8 (7) Additional preferences. Up to 5 additional
9 preference points may be awarded for unique categories
10 based on an applicant's experience or background as
11 identified by the commission.

12 (8) Scoring of preferences. The commission shall give
13 preference for original appointment to persons designated
14 in item (1) by adding to the final grade that they receive
15 5 points for the recognized preference achieved. The
16 commission shall determine the number of preference points
17 for each category except (1). The number of preference
18 points for each category shall range from 0 to 5. In
19 determining the number of preference points, the
20 commission shall prescribe that if a candidate earns the
21 maximum number of preference points in all categories, that
22 number may not be less than 10 nor more than 30. The
23 commission shall give preference for original appointment
24 to persons designated in items (2) through (7) by adding
25 the requisite number of points to the final grade for each
26 recognized preference achieved. The numerical result thus

1 attained shall be applied by the commission in determining
2 the final eligibility list and appointment from the
3 eligibility list. The local appointing authority may
4 prescribe the total number of preference points awarded
5 under this Section, but the total number of preference
6 points shall not be less than 10 points or more than 30
7 points.

8 No person entitled to any preference shall be required to
9 claim the credit before any examination held under the
10 provisions of this Section, but the preference shall be given
11 after the posting or publication of the initial eligibility
12 list or register at the request of a person entitled to a
13 credit before any certification or appointments are made from
14 the eligibility register, upon the furnishing of verifiable
15 evidence and proof of qualifying preference credit. Candidates
16 who are eligible for preference credit shall make a claim in
17 writing within 10 days after the posting of the initial
18 eligibility list, or the claim shall be deemed waived. Final
19 eligibility registers shall be established after the awarding
20 of verified preference points. All employment shall be subject
21 to the commission's initial hire background review including,
22 but not limited to, criminal history, employment history, moral
23 character, oral examination, and medical and psychological
24 examinations, all on a pass-fail basis. The medical and
25 psychological examinations must be conducted last, and may only
26 be performed after a conditional offer of employment has been

1 extended.

2 Any person placed on an eligibility list who exceeds the
3 age requirement before being appointed to a fire department
4 shall remain eligible for appointment until the list is
5 abolished, or his or her name has been on the list for a period
6 of 2 years. No person who has attained the age of 35 years
7 shall be inducted into a fire department, except as otherwise
8 provided in this Section.

9 The commission shall strike off the names of candidates for
10 original appointment after the names have been on the list for
11 more than 2 years.

12 (i) Moral character. No person shall be appointed to a fire
13 department unless he or she is a person of good character; not
14 a habitual drunkard, a gambler, or a person who has been
15 convicted of a felony or a crime involving moral turpitude.
16 However, no person shall be disqualified from appointment to
17 the fire department because of the person's record of
18 misdemeanor convictions except those under Sections 11-6,
19 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
20 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
21 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
22 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, or arrest for any cause without
24 conviction thereon. Any such person who is in the department
25 may be removed on charges brought for violating this subsection
26 and after a trial as hereinafter provided.

1 A classifiable set of the fingerprints of every person who
2 is offered employment as a certificated member of an affected
3 fire department whether with or without compensation, shall be
4 furnished to the Illinois Department of State Police and to the
5 Federal Bureau of Investigation by the commission.

6 Whenever a commission is authorized or required by law to
7 consider some aspect of criminal history record information for
8 the purpose of carrying out its statutory powers and
9 responsibilities, then, upon request and payment of fees in
10 conformance with the requirements of Section 2605-400 of the
11 State Police Law of the Civil Administrative Code of Illinois,
12 the Department of State Police is authorized to furnish,
13 pursuant to positive identification, the information contained
14 in State files as is necessary to fulfill the request.

15 (j) Temporary appointments. In order to prevent a stoppage
16 of public business, to meet extraordinary exigencies, or to
17 prevent material impairment of the fire department, the
18 commission may make temporary appointments, to remain in force
19 only until regular appointments are made under the provisions
20 of this Division, but never to exceed 60 days. No temporary
21 appointment of any one person shall be made more than twice in
22 any calendar year.

23 (k) A person who knowingly divulges or receives test
24 questions or answers before a written examination, or otherwise
25 knowingly violates or subverts any requirement of this Section,
26 commits a violation of this Section and may be subject to

1 charges for official misconduct.

2 A person who is the knowing recipient of test information
3 in advance of the examination shall be disqualified from the
4 examination or discharged from the position to which he or she
5 was appointed, as applicable, and otherwise subjected to
6 disciplinary actions.

7 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
8 97-1150, eff. 1-25-13; 98-760, eff. 7-16-14; 98-973, eff.
9 8-15-14; revised 10-2-14.)

10 (65 ILCS 5/10-2.1-6.3)

11 Sec. 10-2.1-6.3. Original appointments; full-time fire
12 department.

13 (a) Applicability. Unless a commission elects to follow the
14 provisions of Section 10-2.1-6.4, this Section shall apply to
15 all original appointments to an affected full-time fire
16 department. Existing registers of eligibles shall continue to
17 be valid until their expiration dates, or up to a maximum of 2
18 years after the effective date of this amendatory Act of the
19 97th General Assembly.

20 Notwithstanding any statute, ordinance, rule, or other law
21 to the contrary, all original appointments to an affected
22 department to which this Section applies shall be administered
23 in the manner provided for in this Section. Provisions of the
24 Illinois Municipal Code, municipal ordinances, and rules
25 adopted pursuant to such authority and other laws relating to

1 initial hiring of firefighters in affected departments shall
2 continue to apply to the extent they are compatible with this
3 Section, but in the event of a conflict between this Section
4 and any other law, this Section shall control.

5 A home rule or non-home rule municipality may not
6 administer its fire department process for original
7 appointments in a manner that is less stringent than this
8 Section. This Section is a limitation under subsection (i) of
9 Section 6 of Article VII of the Illinois Constitution on the
10 concurrent exercise by home rule units of the powers and
11 functions exercised by the State.

12 A municipality that is operating under a court order or
13 consent decree regarding original appointments to a full-time
14 fire department before the effective date of this amendatory
15 Act of the 97th General Assembly is exempt from the
16 requirements of this Section for the duration of the court
17 order or consent decree.

18 Notwithstanding any other provision of this subsection
19 (a), this Section does not apply to a municipality with more
20 than 1,000,000 inhabitants.

21 (b) Original appointments. All original appointments made
22 to an affected fire department shall be made from a register of
23 eligibles established in accordance with the processes
24 established by this Section. Only persons who meet or exceed
25 the performance standards required by this Section shall be
26 placed on a register of eligibles for original appointment to

1 an affected fire department.

2 Whenever an appointing authority authorizes action to hire
3 a person to perform the duties of a firefighter or to hire a
4 firefighter-paramedic to fill a position that is a new position
5 or vacancy due to resignation, discharge, promotion, death, the
6 granting of a disability or retirement pension, or any other
7 cause, the appointing authority shall appoint to that position
8 the person with the highest ranking on the final eligibility
9 list. If the appointing authority has reason to conclude that
10 the highest ranked person fails to meet the minimum standards
11 for the position or if the appointing authority believes an
12 alternate candidate would better serve the needs of the
13 department, then the appointing authority has the right to pass
14 over the highest ranked person and appoint either: (i) any
15 person who has a ranking in the top 5% of the register of
16 eligibles or (ii) any person who is among the top 5 highest
17 ranked persons on the list of eligibles if the number of people
18 who have a ranking in the top 5% of the register of eligibles
19 is less than 5 people.

20 Any candidate may pass on an appointment once without
21 losing his or her position on the register of eligibles. Any
22 candidate who passes a second time may be removed from the list
23 by the appointing authority provided that such action shall not
24 prejudice a person's opportunities to participate in future
25 examinations, including an examination held during the time a
26 candidate is already on the municipality's register of

1 eligibles.

2 The sole authority to issue certificates of appointment
3 shall be vested in the board of fire and police commissioners.
4 All certificates of appointment issued to any officer or member
5 of an affected department shall be signed by the chairperson
6 and secretary, respectively, of the board upon appointment of
7 such officer or member to the affected department by action of
8 the board. Each person who accepts a certificate of appointment
9 and successfully completes his or her probationary period shall
10 be enrolled as a firefighter and as a regular member of the
11 fire department.

12 For the purposes of this Section, "firefighter" means any
13 person who has been prior to, on, or after the effective date
14 of this amendatory Act of the 97th General Assembly appointed
15 to a fire department or fire protection district or employed by
16 a State university and sworn or commissioned to perform
17 firefighter duties or paramedic duties, or both, except that
18 the following persons are not included: part-time
19 firefighters; auxiliary, reserve, or voluntary firefighters,
20 including paid-on-call firefighters; clerks and dispatchers or
21 other civilian employees of a fire department or fire
22 protection district who are not routinely expected to perform
23 firefighter duties; and elected officials.

24 (c) Qualification for placement on register of eligibles.
25 The purpose of establishing a register of eligibles is to
26 identify applicants who possess and demonstrate the mental

1 aptitude and physical ability to perform the duties required of
2 members of the fire department in order to provide the highest
3 quality of service to the public. To this end, all applicants
4 for original appointment to an affected fire department shall
5 be subject to examination and testing which shall be public,
6 competitive, and open to all applicants unless the municipality
7 shall by ordinance limit applicants to residents of the
8 municipality, county or counties in which the municipality is
9 located, State, or nation. Any examination and testing
10 procedure utilized under subsection (e) of this Section shall
11 be supported by appropriate validation evidence and shall
12 comply with all applicable State ~~state~~ and federal laws.
13 Municipalities may establish educational, emergency medical
14 service licensure, and other pre-requisites for participation
15 in an examination or for hire as a firefighter. Any
16 municipality may charge a fee to cover the costs of the
17 application process.

18 Residency requirements in effect at the time an individual
19 enters the fire service of a municipality cannot be made more
20 restrictive for that individual during his or her period of
21 service for that municipality, or be made a condition of
22 promotion, except for the rank or position of fire chief and
23 for no more than 2 positions that rank immediately below that
24 of the chief rank which are appointed positions pursuant to the
25 Fire Department Promotion Act.

26 No person who is 35 years of age or older shall be eligible

1 to take an examination for a position as a firefighter unless
2 the person has had previous employment status as a firefighter
3 in the regularly constituted fire department of the
4 municipality, except as provided in this Section. The age
5 limitation does not apply to:

6 (1) any person previously employed as a full-time
7 firefighter in a regularly constituted fire department of

8 (i) any municipality or fire protection district located in
9 Illinois, (ii) a fire protection district whose
10 obligations were assumed by a municipality under Section 21
11 of the Fire Protection District Act, or (iii) a
12 municipality whose obligations were taken over by a fire
13 protection district, or

14 (2) any person who has served a municipality as a
15 regularly enrolled volunteer, paid-on-call, or part-time
16 firefighter for the 5 years immediately preceding the time
17 that the municipality begins to use full-time firefighters
18 to provide all or part of its fire protection service.

19 No person who is under 21 years of age shall be eligible
20 for employment as a firefighter.

21 No applicant shall be examined concerning his or her
22 political or religious opinions or affiliations. The
23 examinations shall be conducted by the commissioners of the
24 municipality or their designees and agents.

25 No municipality shall require that any firefighter
26 appointed to the lowest rank serve a probationary employment

1 period of longer than one year of actual active employment,
2 which may exclude periods of training, or injury or illness
3 leaves, including duty related leave, in excess of 30 calendar
4 days. Notwithstanding anything to the contrary in this Section,
5 the probationary employment period limitation may be extended
6 for a firefighter who is required, as a condition of
7 employment, to be a licensed paramedic, during which time the
8 sole reason that a firefighter may be discharged without a
9 hearing is for failing to meet the requirements for paramedic
10 licensure.

11 In the event that any applicant who has been found eligible
12 for appointment and whose name has been placed upon the final
13 eligibility register provided for in this Section has not been
14 appointed to a firefighter position within one year after the
15 date of his or her physical ability examination, the commission
16 may cause a second examination to be made of that applicant's
17 physical ability prior to his or her appointment. If, after the
18 second examination, the physical ability of the applicant shall
19 be found to be less than the minimum standard fixed by the
20 rules of the commission, the applicant shall not be appointed.
21 The applicant's name may be retained upon the register of
22 candidates eligible for appointment and when next reached for
23 certification and appointment that applicant may be again
24 examined as provided in this Section, and if the physical
25 ability of that applicant is found to be less than the minimum
26 standard fixed by the rules of the commission, the applicant

1 shall not be appointed, and the name of the applicant shall be
2 removed from the register.

3 (d) Notice, examination, and testing components. Notice of
4 the time, place, general scope, merit criteria for any
5 subjective component, and fee of every examination shall be
6 given by the commission, by a publication at least 2 weeks
7 preceding the examination: (i) in one or more newspapers
8 published in the municipality, or if no newspaper is published
9 therein, then in one or more newspapers with a general
10 circulation within the municipality, or (ii) on the
11 municipality's Internet website. Additional notice of the
12 examination may be given as the commission shall prescribe.

13 The examination and qualifying standards for employment of
14 firefighters shall be based on: mental aptitude, physical
15 ability, preferences, moral character, and health. The mental
16 aptitude, physical ability, and preference components shall
17 determine an applicant's qualification for and placement on the
18 final register of eligibles. The examination may also include a
19 subjective component based on merit criteria as determined by
20 the commission. Scores from the examination must be made
21 available to the public.

22 (e) Mental aptitude. No person who does not possess at
23 least a high school diploma or an equivalent high school
24 education shall be placed on a register of eligibles.
25 Examination of an applicant's mental aptitude shall be based
26 upon a written examination. The examination shall be practical

1 in character and relate to those matters that fairly test the
2 capacity of the persons examined to discharge the duties
3 performed by members of a fire department. Written examinations
4 shall be administered in a manner that ensures the security and
5 accuracy of the scores achieved.

6 (f) Physical ability. All candidates shall be required to
7 undergo an examination of their physical ability to perform the
8 essential functions included in the duties they may be called
9 upon to perform as a member of a fire department. For the
10 purposes of this Section, essential functions of the job are
11 functions associated with duties that a firefighter may be
12 called upon to perform in response to emergency calls. The
13 frequency of the occurrence of those duties as part of the fire
14 department's regular routine shall not be a controlling factor
15 in the design of examination criteria or evolutions selected
16 for testing. These physical examinations shall be open,
17 competitive, and based on industry standards designed to test
18 each applicant's physical abilities in the following
19 dimensions:

20 (1) Muscular strength to perform tasks and evolutions
21 that may be required in the performance of duties including
22 grip strength, leg strength, and arm strength. Tests shall
23 be conducted under anaerobic as well as aerobic conditions
24 to test both the candidate's speed and endurance in
25 performing tasks and evolutions. Tasks tested may be based
26 on standards developed, or approved, by the local

1 appointing authority.

2 (2) The ability to climb ladders, operate from heights,
3 walk or crawl in the dark along narrow and uneven surfaces,
4 and operate in proximity to hazardous environments.

5 (3) The ability to carry out critical, time-sensitive,
6 and complex problem solving during physical exertion in
7 stressful and hazardous environments. The testing
8 environment may be hot and dark with tightly enclosed
9 spaces, flashing lights, sirens, and other distractions.

10 The tests utilized to measure each applicant's
11 capabilities in each of these dimensions may be tests based on
12 industry standards currently in use or equivalent tests
13 approved by the Joint Labor-Management Committee of the Office
14 of the State Fire Marshal.

15 Physical ability examinations administered under this
16 Section shall be conducted with a reasonable number of proctors
17 and monitors, open to the public, and subject to reasonable
18 regulations of the commission.

19 (g) Scoring of examination components. Appointing
20 authorities may create a preliminary eligibility register. A
21 person shall be placed on the list based upon his or her
22 passage of the written examination or the passage of the
23 written examination and the physical ability component.
24 Passage of the written examination means attaining the minimum
25 score set by the commission. Minimum scores should be set by
26 the commission so as to demonstrate a candidate's ability to

1 perform the essential functions of the job. The minimum score
2 set by the commission shall be supported by appropriate
3 validation evidence and shall comply with all applicable State
4 ~~state~~ and federal laws. The appointing authority may conduct
5 the physical ability component and any subjective components
6 subsequent to the posting of the preliminary eligibility
7 register.

8 The examination components for an initial eligibility
9 register shall be graded on a 100-point scale. A person's
10 position on the list shall be determined by the following: (i)
11 the person's score on the written examination, (ii) the person
12 successfully passing the physical ability component, and (iii)
13 the person's results on any subjective component as described
14 in subsection (d).

15 In order to qualify for placement on the final eligibility
16 register, an applicant's score on the written examination,
17 before any applicable preference points or subjective points
18 are applied, shall be at or above the minimum score as set by
19 the commission. The local appointing authority may prescribe
20 the score to qualify for placement on the final eligibility
21 register, but the score shall not be less than the minimum
22 score set by the commission.

23 The commission shall prepare and keep a register of persons
24 whose total score is not less than the minimum score for
25 passage and who have passed the physical ability examination.
26 These persons shall take rank upon the register as candidates

1 in the order of their relative excellence based on the highest
2 to the lowest total points scored on the mental aptitude,
3 subjective component, and preference components of the test
4 administered in accordance with this Section. No more than 60
5 days after each examination, an initial eligibility list shall
6 be posted by the commission. The list shall include the final
7 grades of the candidates without reference to priority of the
8 time of examination and subject to claim for preference credit.

9 Commissions may conduct additional examinations, including
10 without limitation a polygraph test, after a final eligibility
11 register is established and before it expires with the
12 candidates ranked by total score without regard to date of
13 examination. No more than 60 days after each examination, an
14 initial eligibility list shall be posted by the commission
15 showing the final grades of the candidates without reference to
16 priority of time of examination and subject to claim for
17 preference credit.

18 (h) Preferences. The following are preferences:

19 (1) Veteran preference. Persons who were engaged in the
20 military service of the United States for a period of at
21 least one year of active duty and who were honorably
22 discharged therefrom, or who are now or have been members
23 on inactive or reserve duty in such military or naval
24 service, shall be preferred for appointment to and
25 employment with the fire department of an affected
26 department.

1 (2) Fire cadet preference. Persons who have
2 successfully completed 2 years of study in fire techniques
3 or cadet training within a cadet program established under
4 the rules of the Joint Labor and Management Committee
5 (JLMC), as defined in Section 50 of the Fire Department
6 Promotion Act, may be preferred for appointment to and
7 employment with the fire department.

8 (3) Educational preference. Persons who have
9 successfully obtained an associate's degree in the field of
10 fire service or emergency medical services, or a bachelor's
11 degree from an accredited college or university may be
12 preferred for appointment to and employment with the fire
13 department.

14 (4) Paramedic preference. Persons who have obtained a
15 license as a paramedic shall be preferred for appointment
16 to and employment with the fire department of an affected
17 department providing emergency medical services.

18 (5) Experience preference. All persons employed by a
19 municipality who have been paid-on-call or part-time
20 certified Firefighter II, State of Illinois or nationally
21 licensed EMT, EMT-I, A-EMT, or any combination of those
22 capacities shall be awarded 0.5 point for each year of
23 successful service in one or more of those capacities, up
24 to a maximum of 5 points. Certified Firefighter III and
25 State of Illinois or nationally licensed paramedics shall
26 be awarded one point per year up to a maximum of 5 points.

1 Applicants from outside the municipality who were employed
2 as full-time firefighters or firefighter-paramedics by a
3 fire protection district or another municipality for at
4 least 2 years shall be awarded 5 experience preference
5 points. These additional points presuppose a rating scale
6 totaling 100 points available for the eligibility list. If
7 more or fewer points are used in the rating scale for the
8 eligibility list, the points awarded under this subsection
9 shall be increased or decreased by a factor equal to the
10 total possible points available for the examination
11 divided by 100.

12 Upon request by the commission, the governing body of
13 the municipality or in the case of applicants from outside
14 the municipality the governing body of any fire protection
15 district or any other municipality shall certify to the
16 commission, within 10 days after the request, the number of
17 years of successful paid-on-call, part-time, or full-time
18 service of any person. A candidate may not receive the full
19 amount of preference points under this subsection if the
20 amount of points awarded would place the candidate before a
21 veteran on the eligibility list. If more than one candidate
22 receiving experience preference points is prevented from
23 receiving all of their points due to not being allowed to
24 pass a veteran, the candidates shall be placed on the list
25 below the veteran in rank order based on the totals
26 received if all points under this subsection were to be

1 awarded. Any remaining ties on the list shall be determined
2 by lot.

3 (6) Residency preference. Applicants whose principal
4 residence is located within the fire department's
5 jurisdiction shall be preferred for appointment to and
6 employment with the fire department.

7 (7) Additional preferences. Up to 5 additional
8 preference points may be awarded for unique categories
9 based on an applicant's experience or background as
10 identified by the commission.

11 (8) Scoring of preferences. The commission shall give
12 preference for original appointment to persons designated
13 in item (1) by adding to the final grade that they receive
14 5 points for the recognized preference achieved. The
15 commission shall determine the number of preference points
16 for each category except (1). The number of preference
17 points for each category shall range from 0 to 5. In
18 determining the number of preference points, the
19 commission shall prescribe that if a candidate earns the
20 maximum number of preference points in all categories, that
21 number may not be less than 10 nor more than 30. The
22 commission shall give preference for original appointment
23 to persons designated in items (2) through (7) by adding
24 the requisite number of points to the final grade for each
25 recognized preference achieved. The numerical result thus
26 attained shall be applied by the commission in determining

1 the final eligibility list and appointment from the
2 eligibility list. The local appointing authority may
3 prescribe the total number of preference points awarded
4 under this Section, but the total number of preference
5 points shall not be less than 10 points or more than 30
6 points.

7 No person entitled to any preference shall be required to
8 claim the credit before any examination held under the
9 provisions of this Section, but the preference shall be given
10 after the posting or publication of the initial eligibility
11 list or register at the request of a person entitled to a
12 credit before any certification or appointments are made from
13 the eligibility register, upon the furnishing of verifiable
14 evidence and proof of qualifying preference credit. Candidates
15 who are eligible for preference credit shall make a claim in
16 writing within 10 days after the posting of the initial
17 eligibility list, or the claim shall be deemed waived. Final
18 eligibility registers shall be established after the awarding
19 of verified preference points. All employment shall be subject
20 to the commission's initial hire background review including,
21 but not limited to, criminal history, employment history, moral
22 character, oral examination, and medical and psychological
23 examinations, all on a pass-fail basis. The medical and
24 psychological examinations must be conducted last, and may only
25 be performed after a conditional offer of employment has been
26 extended.

1 Any person placed on an eligibility list who exceeds the
2 age requirement before being appointed to a fire department
3 shall remain eligible for appointment until the list is
4 abolished, or his or her name has been on the list for a period
5 of 2 years. No person who has attained the age of 35 years
6 shall be inducted into a fire department, except as otherwise
7 provided in this Section.

8 The commission shall strike off the names of candidates for
9 original appointment after the names have been on the list for
10 more than 2 years.

11 (i) Moral character. No person shall be appointed to a fire
12 department unless he or she is a person of good character; not
13 a habitual drunkard, a gambler, or a person who has been
14 convicted of a felony or a crime involving moral turpitude.
15 However, no person shall be disqualified from appointment to
16 the fire department because of the person's record of
17 misdemeanor convictions except those under Sections 11-6,
18 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
19 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
20 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
21 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, or arrest for any cause without
23 conviction thereon. Any such person who is in the department
24 may be removed on charges brought for violating this subsection
25 and after a trial as hereinafter provided.

26 A classifiable set of the fingerprints of every person who

1 is offered employment as a certificated member of an affected
2 fire department whether with or without compensation, shall be
3 furnished to the Illinois Department of State Police and to the
4 Federal Bureau of Investigation by the commission.

5 Whenever a commission is authorized or required by law to
6 consider some aspect of criminal history record information for
7 the purpose of carrying out its statutory powers and
8 responsibilities, then, upon request and payment of fees in
9 conformance with the requirements of Section 2605-400 of the
10 State Police Law of the Civil Administrative Code of Illinois,
11 the Department of State Police is authorized to furnish,
12 pursuant to positive identification, the information contained
13 in State files as is necessary to fulfill the request.

14 (j) Temporary appointments. In order to prevent a stoppage
15 of public business, to meet extraordinary exigencies, or to
16 prevent material impairment of the fire department, the
17 commission may make temporary appointments, to remain in force
18 only until regular appointments are made under the provisions
19 of this Division, but never to exceed 60 days. No temporary
20 appointment of any one person shall be made more than twice in
21 any calendar year.

22 (k) A person who knowingly divulges or receives test
23 questions or answers before a written examination, or otherwise
24 knowingly violates or subverts any requirement of this Section,
25 commits a violation of this Section and may be subject to
26 charges for official misconduct.

1 A person who is the knowing recipient of test information
2 in advance of the examination shall be disqualified from the
3 examination or discharged from the position to which he or she
4 was appointed, as applicable, and otherwise subjected to
5 disciplinary actions.

6 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
7 97-1150, eff. 1-25-13; 98-760, eff. 7-16-14; 98-973, eff.
8 8-15-14, revised 10-2-14.)

9 (65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

10 Sec. 11-12-5. Every plan commission and planning
11 department authorized by this Division 12 has the following
12 powers and whenever in this Division 12 the term plan
13 commission is used such term shall be deemed to include the
14 term planning department:

15 (1) To prepare and recommend to the corporate
16 authorities a comprehensive plan for the present and future
17 development or redevelopment of the municipality. Such
18 plan may be adopted in whole or in separate geographical or
19 functional parts, each of which, when adopted, shall be the
20 official comprehensive plan, or part thereof, of that
21 municipality. This plan may include reasonable
22 requirements with reference to streets, alleys, public
23 grounds, and other improvements hereinafter specified. The
24 plan, as recommended by the plan commission and as
25 thereafter adopted in any municipality in this state, may

1 be made applicable, by the terms thereof, to land situated
2 within the corporate limits and contiguous territory not
3 more than one and one-half miles beyond the corporate
4 limits and not included in any municipality. Such plan may
5 be implemented by ordinances (a) establishing reasonable
6 standards of design for subdivisions and for
7 resubdivisions of unimproved land and of areas subject to
8 redevelopment in respect to public improvements as herein
9 defined; (b) establishing reasonable requirements
10 governing the location, width, course, and surfacing of
11 public streets and highways, alleys, ways for public
12 service facilities, curbs, gutters, sidewalks, street
13 lights, parks, playgrounds, school grounds, size of lots to
14 be used for residential purposes, storm water drainage,
15 water supply and distribution, sanitary sewers, and sewage
16 collection and treatment; and (c) may designate land
17 suitable for annexation to the municipality and the
18 recommended zoning classification for such land upon
19 annexation.

20 (2) To recommend changes, from time to time, in the
21 official comprehensive plan.

22 (3) To prepare and recommend to the corporate
23 authorities, from time to time, plans for specific
24 improvements in pursuance of the official comprehensive
25 plan.

26 (4) To give aid to the municipal officials charged with

1 the direction of projects for improvements embraced within
2 the official plan, to further the making of these projects,
3 and, generally, to promote the realization of the official
4 comprehensive plan.

5 (5) To prepare and recommend to the corporate
6 authorities schemes for regulating or forbidding
7 structures or activities which may hinder access to solar
8 energy necessary for the proper functioning of solar energy
9 systems, as defined in Section 1.2 of The Comprehensive
10 Solar Energy Act of 1977, or to recommend changes in such
11 schemes.

12 (6) To exercise such other powers germane to the powers
13 granted by this article as may be conferred by the
14 corporate authorities.

15 ~~(7)~~ For purposes of implementing ordinances regarding
16 developer donations or impact fees, and specifically for
17 expenditures thereof, "school grounds" is defined as including
18 land or site improvements, which include school buildings or
19 other infrastructure, including technological infrastructure,
20 necessitated and specifically and uniquely attributed to the
21 development or subdivision in question. This amendatory Act of
22 the 93rd General Assembly applies to all impact fees or
23 developer donations paid into a school district or held in a
24 separate account or escrow fund by any school district or
25 municipality for a school district.

26 (Source: P.A. 98-741, eff. 1-1-15; revised 12-1-14.)

1 (65 ILCS 5/11-74.4-3.5)

2 Sec. 11-74.4-3.5. Completion dates for redevelopment
3 projects.

4 (a) Unless otherwise stated in this Section, the estimated
5 dates of completion of the redevelopment project and retirement
6 of obligations issued to finance redevelopment project costs
7 (including refunding bonds under Section 11-74.4-7) may not be
8 later than December 31 of the year in which the payment to the
9 municipal treasurer, as provided in subsection (b) of Section
10 11-74.4-8 of this Act, is to be made with respect to ad valorem
11 taxes levied in the 23rd calendar year after the year in which
12 the ordinance approving the redevelopment project area was
13 adopted if the ordinance was adopted on or after January 15,
14 1981.

15 (b) The estimated dates of completion of the redevelopment
16 project and retirement of obligations issued to finance
17 redevelopment project costs (including refunding bonds under
18 Section 11-74.4-7) may not be later than December 31 of the
19 year in which the payment to the municipal treasurer as
20 provided in subsection (b) of Section 11-74.4-8 of this Act is
21 to be made with respect to ad valorem taxes levied in the 32nd
22 calendar year after the year in which the ordinance approving
23 the redevelopment project area was adopted if the ordinance was
24 adopted on September 9, 1999 by the Village of Downs.

25 The estimated dates of completion of the redevelopment

1 project and retirement of obligations issued to finance
2 redevelopment project costs (including refunding bonds under
3 Section 11-74.4-7) may not be later than December 31 of the
4 year in which the payment to the municipal treasurer as
5 provided in subsection (b) of Section 11-74.4-8 of this Act is
6 to be made with respect to ad valorem taxes levied in the 33rd
7 calendar year after the year in which the ordinance approving
8 the redevelopment project area was adopted if the ordinance was
9 adopted on May 20, 1985 by the Village of Wheeling.

10 The estimated dates of completion of the redevelopment
11 project and retirement of obligations issued to finance
12 redevelopment project costs (including refunding bonds under
13 Section 11-74.4-7) may not be later than December 31 of the
14 year in which the payment to the municipal treasurer as
15 provided in subsection (b) of Section 11-74.4-8 of this Act is
16 to be made with respect to ad valorem taxes levied in the 28th
17 calendar year after the year in which the ordinance approving
18 the redevelopment project area was adopted if the ordinance was
19 adopted on October 12, 1989 by the City of Lawrenceville.

20 (c) The estimated dates of completion of the redevelopment
21 project and retirement of obligations issued to finance
22 redevelopment project costs (including refunding bonds under
23 Section 11-74.4-7) may not be later than December 31 of the
24 year in which the payment to the municipal treasurer as
25 provided in subsection (b) of Section 11-74.4-8 of this Act is
26 to be made with respect to ad valorem taxes levied in the 35th

1 calendar year after the year in which the ordinance approving
2 the redevelopment project area was adopted:

3 (1) If ~~if~~ the ordinance was adopted before January 15,
4 1981.~~†~~

5 (2) If ~~if~~ the ordinance was adopted in December 1983,
6 April 1984, July 1985, or December 1989.~~†~~

7 (3) If ~~if~~ the ordinance was adopted in December 1987
8 and the redevelopment project is located within one mile of
9 Midway Airport.~~†~~

10 (4) If ~~if~~ the ordinance was adopted before January 1,
11 1987 by a municipality in Mason County.~~†~~

12 (5) If ~~if~~ the municipality is subject to the Local
13 Government Financial Planning and Supervision Act or the
14 Financially Distressed City Law.~~†~~

15 (6) If ~~if~~ the ordinance was adopted in December 1984 by
16 the Village of Rosemont.~~†~~

17 (7) If ~~if~~ the ordinance was adopted on December 31,
18 1986 by a municipality located in Clinton County for which
19 at least \$250,000 of tax increment bonds were authorized on
20 June 17, 1997, or if the ordinance was adopted on December
21 31, 1986 by a municipality with a population in 1990 of
22 less than 3,600 that is located in a county with a
23 population in 1990 of less than 34,000 and for which at
24 least \$250,000 of tax increment bonds were authorized on
25 June 17, 1997.~~†~~

26 (8) If ~~if~~ the ordinance was adopted on October 5, 1982

1 by the City of Kankakee, or if the ordinance was adopted on
2 December 29, 1986 by East St. Louis.†

3 (9) If ~~if~~ the ordinance was adopted on November 12,
4 1991 by the Village of Sauget.†

5 (10) If ~~if~~ the ordinance was adopted on February 11,
6 1985 by the City of Rock Island.†

7 (11) If ~~if~~ the ordinance was adopted before December
8 18, 1986 by the City of Moline.†

9 (12) If ~~if~~ the ordinance was adopted in September 1988
10 by Sauk Village.†

11 (13) If ~~if~~ the ordinance was adopted in October 1993 by
12 Sauk Village.†

13 (14) If ~~if~~ the ordinance was adopted on December 29,
14 1986 by the City of Galva.†

15 (15) If ~~if~~ the ordinance was adopted in March 1991 by
16 the City of Centreville.†

17 (16) If ~~if~~ the ordinance was adopted on January 23,
18 1991 by the City of East St. Louis.†

19 (17) If ~~if~~ the ordinance was adopted on December 22,
20 1986 by the City of Aledo.†

21 (18) If ~~if~~ the ordinance was adopted on February 5,
22 1990 by the City of Clinton.†

23 (19) If ~~if~~ the ordinance was adopted on September 6,
24 1994 by the City of Freeport.†

25 (20) If ~~if~~ the ordinance was adopted on December 22,
26 1986 by the City of Tuscola.†

1 (21) If ~~if~~ the ordinance was adopted on December 23,
2 1986 by the City of Sparta.†

3 (22) If ~~if~~ the ordinance was adopted on December 23,
4 1986 by the City of Beardstown.†

5 (23) If ~~if~~ the ordinance was adopted on April 27, 1981,
6 October 21, 1985, or December 30, 1986 by the City of
7 Belleville.†

8 (24) If ~~if~~ the ordinance was adopted on December 29,
9 1986 by the City of Collinsville.†

10 (25) If ~~if~~ the ordinance was adopted on September 14,
11 1994 by the City of Alton.†

12 (26) If ~~if~~ the ordinance was adopted on November 11,
13 1996 by the City of Lexington.†

14 (27) If ~~if~~ the ordinance was adopted on November 5,
15 1984 by the City of LeRoy.†

16 (28) If ~~if~~ the ordinance was adopted on April 3, 1991
17 or June 3, 1992 by the City of Markham.†

18 (29) If ~~if~~ the ordinance was adopted on November 11,
19 1986 by the City of Pekin.†

20 (30) If ~~if~~ the ordinance was adopted on December 15,
21 1981 by the City of Champaign.†

22 (31) If ~~if~~ the ordinance was adopted on December 15,
23 1986 by the City of Urbana.†

24 (32) If ~~if~~ the ordinance was adopted on December 15,
25 1986 by the Village of Heyworth.†

26 (33) If ~~if~~ the ordinance was adopted on February 24,

1 1992 by the Village of Heyworth.†

2 (34) If ~~if~~ the ordinance was adopted on March 16, 1995
3 by the Village of Heyworth.†

4 (35) If ~~if~~ the ordinance was adopted on December 23,
5 1986 by the Town of Cicero.†

6 (36) If ~~if~~ the ordinance was adopted on December 30,
7 1986 by the City of Effingham.†

8 (37) If ~~if~~ the ordinance was adopted on May 9, 1991 by
9 the Village of Tilton.†

10 (38) If ~~if~~ the ordinance was adopted on October 20,
11 1986 by the City of Elmhurst.†

12 (39) If ~~if~~ the ordinance was adopted on January 19,
13 1988 by the City of Waukegan.†

14 (40) If ~~if~~ the ordinance was adopted on September 21,
15 1998 by the City of Waukegan.†

16 (41) If ~~if~~ the ordinance was adopted on December 31,
17 1986 by the City of Sullivan.†

18 (42) If ~~if~~ the ordinance was adopted on December 23,
19 1991 by the City of Sullivan.†

20 (43) If ~~if~~ the ordinance was adopted on December 31,
21 1986 by the City of Oglesby.†

22 (44) If ~~if~~ the ordinance was adopted on July 28, 1987
23 by the City of Marion.†

24 (45) If ~~if~~ the ordinance was adopted on April 23, 1990
25 by the City of Marion.†

26 (46) If ~~if~~ the ordinance was adopted on August 20, 1985

1 by the Village of Mount Prospect.†

2 (47) If ~~if~~ the ordinance was adopted on February 2,
3 1998 by the Village of Woodhull.†

4 (48) If ~~if~~ the ordinance was adopted on April 20, 1993
5 by the Village of Princeville.†

6 (49) If ~~if~~ the ordinance was adopted on July 1, 1986 by
7 the City of Granite City.†

8 (50) If ~~if~~ the ordinance was adopted on February 2,
9 1989 by the Village of Lombard.†

10 (51) If ~~if~~ the ordinance was adopted on December 29,
11 1986 by the Village of Gardner.†

12 (52) If ~~if~~ the ordinance was adopted on July 14, 1999
13 by the Village of Paw Paw.†

14 (53) If ~~if~~ the ordinance was adopted on November 17,
15 1986 by the Village of Franklin Park.†

16 (54) If ~~if~~ the ordinance was adopted on November 20,
17 1989 by the Village of South Holland.†

18 (55) If ~~if~~ the ordinance was adopted on July 14, 1992
19 by the Village of Riverdale.†

20 (56) If ~~if~~ the ordinance was adopted on December 29,
21 1986 by the City of Galesburg.†

22 (57) If ~~if~~ the ordinance was adopted on April 1, 1985
23 by the City of Galesburg.†

24 (58) If ~~if~~ the ordinance was adopted on May 21, 1990 by
25 the City of West Chicago.†

26 (59) If ~~if~~ the ordinance was adopted on December 16,

1 1986 by the City of Oak Forest.+

2 (60) If ~~if~~ the ordinance was adopted in 1999 by the
3 City of Villa Grove.+

4 (61) If ~~if~~ the ordinance was adopted on January 13,
5 1987 by the Village of Mt. Zion.+

6 (62) If ~~if~~ the ordinance was adopted on December 30,
7 1986 by the Village of Manteno.+

8 (63) If ~~if~~ the ordinance was adopted on April 3, 1989
9 by the City of Chicago Heights.+

10 (64) If ~~if~~ the ordinance was adopted on January 6, 1999
11 by the Village of Rosemont.+

12 (65) If ~~if~~ the ordinance was adopted on December 19,
13 2000 by the Village of Stone Park.+

14 (66) If ~~if~~ the ordinance was adopted on December 22,
15 1986 by the City of DeKalb.+

16 (67) If ~~if~~ the ordinance was adopted on December 2,
17 1986 by the City of Aurora.+

18 (68) If ~~if~~ the ordinance was adopted on December 31,
19 1986 by the Village of Milan.+

20 (69) If ~~if~~ the ordinance was adopted on September 8,
21 1994 by the City of West Frankfort.+

22 (70) If ~~if~~ the ordinance was adopted on December 23,
23 1986 by the Village of Libertyville.+

24 (71) If ~~if~~ the ordinance was adopted on December 22,
25 1986 by the Village of Hoffman Estates.+

26 (72) If ~~if~~ the ordinance was adopted on September 17,

1 1986 by the Village of Sherman.+

2 (73) If ~~if~~ the ordinance was adopted on December 16,
3 1986 by the City of Macomb.+

4 (74) If ~~if~~ the ordinance was adopted on June 11, 2002
5 by the City of East Peoria to create the West Washington
6 Street TIF.+

7 (75) If ~~if~~ the ordinance was adopted on June 11, 2002
8 by the City of East Peoria to create the Camp Street TIF.+

9 (76) If ~~if~~ the ordinance was adopted on August 7, 2000
10 by the City of Des Plaines.+

11 (77) If ~~if~~ the ordinance was adopted on December 22,
12 1986 by the City of Washington to create the Washington
13 Square TIF #2.+

14 (78) If ~~if~~ the ordinance was adopted on December 29,
15 1986 by the City of Morris.+

16 (79) If ~~if~~ the ordinance was adopted on July 6, 1998 by
17 the Village of Steeleville.+

18 (80) If ~~if~~ the ordinance was adopted on December 29,
19 1986 by the City of Pontiac to create TIF I (the Main St
20 TIF).+

21 (81) If ~~if~~ the ordinance was adopted on December 29,
22 1986 by the City of Pontiac to create TIF II (the
23 Interstate TIF).+

24 (82) If ~~if~~ the ordinance was adopted on November 6,
25 2002 by the City of Chicago to create the Madden/Wells TIF
26 District.+

1 (83) If ~~if~~ the ordinance was adopted on November 4,
2 1998 by the City of Chicago to create the Roosevelt/Racine
3 TIF District.†

4 (84) If ~~if~~ the ordinance was adopted on June 10, 1998
5 by the City of Chicago to create the Stony Island
6 Commercial/Burnside Industrial Corridors TIF District.†

7 (85) If ~~if~~ the ordinance was adopted on November 29,
8 1989 by the City of Chicago to create the Englewood Mall
9 TIF District.†

10 (86) If ~~if~~ the ordinance was adopted on December 27,
11 1986 by the City of Mendota.†

12 (87) If ~~if~~ the ordinance was adopted on December 31,
13 1986 by the Village of Cahokia.†

14 (88) If ~~if~~ the ordinance was adopted on September 20,
15 1999 by the City of Belleville.†

16 (89) If ~~if~~ the ordinance was adopted on December 30,
17 1986 by the Village of Bellevue to create the Bellevue TIF
18 District 1.†

19 (90) If ~~if~~ the ordinance was adopted on December 13,
20 1993 by the Village of Crete.†

21 (91) If ~~if~~ the ordinance was adopted on February 12,
22 2001 by the Village of Crete.†

23 (92) If ~~if~~ the ordinance was adopted on April 23, 2001
24 by the Village of Crete.†

25 (93) If ~~if~~ the ordinance was adopted on December 16,
26 1986 by the City of Champaign.†

1 (94) If ~~if~~ the ordinance was adopted on December 20,
2 1986 by the City of Charleston.†

3 (95) If ~~if~~ the ordinance was adopted on June 6, 1989 by
4 the Village of Romeoville.†

5 (96) If ~~if~~ the ordinance was adopted on October 14,
6 1993 and amended on August 2, 2010 by the City of Venice.†

7 (97) If ~~if~~ the ordinance was adopted on June 1, 1994 by
8 the City of Markham.†

9 (98) If ~~if~~ the ordinance was adopted on May 19, 1998 by
10 the Village of Bensenville.†

11 (99) If ~~if~~ the ordinance was adopted on November 12,
12 1987 by the City of Dixon.†

13 (100) If ~~if~~ the ordinance was adopted on December 20,
14 1988 by the Village of Lansing.†

15 (101) If ~~if~~ the ordinance was adopted on October 27,
16 1998 by the City of Moline.†

17 (102) If ~~if~~ the ordinance was adopted on May 21, 1991
18 by the Village of Glenwood.†

19 (103) If ~~if~~ the ordinance was adopted on January 28,
20 1992 by the City of East Peoria.†

21 (104) If ~~if~~ the ordinance was adopted on December 14,
22 1998 by the City of Carlyle.†

23 (105) If ~~if~~ the ordinance was adopted on May 17, 2000,
24 as subsequently amended, by the City of Chicago to create
25 the Midwest Redevelopment TIF District.†

26 (106) If ~~if~~ the ordinance was adopted on September 13,

1 1989 by the City of Chicago to create the Michigan/Cermak
2 Area TIF District.~~†~~

3 (107) If ~~if~~ the ordinance was adopted on March 30, 1992
4 by the Village of Ohio.~~†~~

5 (108) If if the ordinance was adopted on July 6, 1998
6 by the Village of Orangeville.~~†~~

7 (109) If if the ordinance was adopted on December 16,
8 1997 by the Village of Germantown.~~†~~

9 (110) If if the ordinance was adopted on April 28, 2003
10 by Gibson City.~~†~~

11 (111) If if the ordinance was adopted on December 18,
12 1990 by the Village of Washington Park, but only after the
13 Village of Washington Park becomes compliant with the
14 reporting requirements under subsection (d) of Section
15 11-74.4-5, and after the State Comptroller's certification
16 of such compliance.~~†~~

17 (112) If if the ordinance was adopted on February 28,
18 2000 by the City of Harvey.~~†~~~~or~~

19 (113) If if the ordinance was adopted on January 11,
20 1991 by the City of Chicago to create the Read/Dunning TIF
21 District.~~†~~

22 (114) If ~~if~~ the ordinance was adopted on July 24, 1991
23 by the City of Chicago to create the Sanitary and Ship
24 Canal TIF District.~~†~~

25 (115) If ~~if~~ the ordinance was adopted on December 4,
26 2007 by the City of Naperville.~~†~~

1 (116) If ~~if~~ the ordinance was adopted on July 1, 2002
2 by the Village of Arlington Heights.~~+~~

3 (117) If ~~if~~ the ordinance was adopted on February 11,
4 1991 by the Village of Machesney Park.~~+~~

5 (118) If ~~if~~ the ordinance was adopted on December 29,
6 1993 by the City of Ottawa.~~+~~~~or~~

7 (119) If ~~if~~ the ordinance was adopted on June 4, 1991
8 by the Village of Lansing.

9 (120) If ~~(119) if~~ the ordinance was adopted on February
10 10, 2004 by the Village of Fox Lake.~~+~~

11 (121) If ~~(120) if~~ the ordinance was adopted on December
12 22, 1992 by the City of Fairfield.~~+~~~~or~~

13 (122) If ~~(121) if~~ the ordinance was adopted on February
14 10, 1992 by the City of Mt. Sterling.

15 (123) If ~~(113) if~~ the ordinance was adopted on March
16 15, 2004 by the City of Batavia.

17 (124) If ~~(119) if~~ the ordinance was adopted on March
18 18, 2002 by the Village of Lake Zurich.

19 (d) For redevelopment project areas for which bonds were
20 issued before July 29, 1991, or for which contracts were
21 entered into before June 1, 1988, in connection with a
22 redevelopment project in the area within the State Sales Tax
23 Boundary, the estimated dates of completion of the
24 redevelopment project and retirement of obligations to finance
25 redevelopment project costs (including refunding bonds under
26 Section 11-74.4-7) may be extended by municipal ordinance to

1 December 31, 2013. The termination procedures of subsection (b)
2 of Section 11-74.4-8 are not required for these redevelopment
3 project areas in 2009 but are required in 2013. The extension
4 allowed by Public Act 87-1272 shall not apply to real property
5 tax increment allocation financing under Section 11-74.4-8.

6 (e) Those dates, for purposes of real property tax
7 increment allocation financing pursuant to Section 11-74.4-8
8 only, shall be not more than 35 years for redevelopment project
9 areas that were adopted on or after December 16, 1986 and for
10 which at least \$8 million worth of municipal bonds were
11 authorized on or after December 19, 1989 but before January 1,
12 1990; provided that the municipality elects to extend the life
13 of the redevelopment project area to 35 years by the adoption
14 of an ordinance after at least 14 but not more than 30 days'
15 written notice to the taxing bodies, that would otherwise
16 constitute the joint review board for the redevelopment project
17 area, before the adoption of the ordinance.

18 (f) Those dates, for purposes of real property tax
19 increment allocation financing pursuant to Section 11-74.4-8
20 only, shall be not more than 35 years for redevelopment project
21 areas that were established on or after December 1, 1981 but
22 before January 1, 1982 and for which at least \$1,500,000 worth
23 of tax increment revenue bonds were authorized on or after
24 September 30, 1990 but before July 1, 1991; provided that the
25 municipality elects to extend the life of the redevelopment
26 project area to 35 years by the adoption of an ordinance after

1 at least 14 but not more than 30 days' written notice to the
2 taxing bodies, that would otherwise constitute the joint review
3 board for the redevelopment project area, before the adoption
4 of the ordinance.

5 (g) In consolidating the material relating to completion
6 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,
7 it is not the intent of the General Assembly to make any
8 substantive change in the law, except for the extension of the
9 completion dates for the City of Aurora, the Village of Milan,
10 the City of West Frankfort, the Village of Libertyville, and
11 the Village of Hoffman Estates set forth under items (67),
12 (68), (69), (70), and (71) of subsection (c) of this Section.

13 (Source: P.A. 97-93, eff. 1-1-12; 97-372, eff. 8-15-11; 97-600,
14 eff. 8-26-11; 97-633, eff. 12-16-11; 97-635, eff. 12-16-11;
15 97-807, eff. 7-13-12; 97-1114, eff. 8-27-12; 98-109, eff.
16 7-25-13; 98-135, eff. 8-2-13; 98-230, eff. 8-9-13; 98-463, eff.
17 8-16-13; 98-614, eff. 12-27-13; 98-667, eff. 6-25-14; 98-889,
18 eff. 8-15-14; 98-893, eff. 8-15-14; 98-1064, eff. 8-26-14;
19 98-1136, eff. 12-29-14; 98-1153, eff. 1-9-15; 98-1157, eff.
20 1-9-15; 98-1159, eff. 1-9-15; revised 2-2-15.)

21 Section 185. The Fire Protection District Act is amended by
22 changing Sections 11b and 16.06b as follows:

23 (70 ILCS 705/11b) (from Ch. 127 1/2, par. 31b)

24 Sec. 11b. In case any fire protection district organized

1 hereunder is coterminous with or includes within its corporate
2 limits in whole or in part any city, village or incorporated
3 town authorized to provide protection from fire and to regulate
4 the prevention and control of fire within such city, village or
5 incorporated town and to levy taxes for any such purposes, then
6 such city, village or incorporated town shall not exercise any
7 such powers as necessarily conflict with the powers to be
8 exercised by such district in respect to such fire protection
9 and regulation within the fire protection district from and
10 after the date that it receives written notice from the State
11 Fire Marshal to cease or refrain from the operation of any fire
12 protection facilities and the exercise of such powers, which
13 notice shall be given only after the State Fire Marshal has
14 ascertained that the Fire Protection District has placed its
15 fire protection facilities in operation. Such city, village or
16 incorporated town shall not thereafter own, operate, maintain,
17 manage, control or have an interest in any fire protection
18 facilities located within the corporate limits of the fire
19 protection district, except water mains and hydrants and except
20 as otherwise provided in this Act. Where any city, village, or
21 incorporated town with 500 or more ~~are~~ residents is in fact
22 owning, operating, and maintaining a fire department or fire
23 departments located in whole or in part within or adjacent to
24 the corporate limits of a fire protection district organized
25 under this Act, such city, village, or incorporated town shall
26 not cease operating and maintaining the fire department or

1 departments unless such proposed cessation of services is first
2 submitted by referendum to voters, as provided by Section 15b
3 of this Act. In addition, where any city, village, or
4 incorporated town is in fact owning, operating, and maintaining
5 a fire department or fire departments located within the
6 corporate limits of a fire protection district organized under
7 this Act, such city, village, or incorporated town shall be
8 paid and reimbursed for its actual expenditures and for all
9 existing obligations incurred, including all pension and
10 annuity plans applicable to the maintenance of fire protection
11 facilities theretofore made in establishing such facilities
12 and in acquiring, constructing, improving or developing any
13 such existing facilities in the manner provided for by this
14 Act. The terms of payment shall provide for reimbursement in
15 full within not less than 20 years from the date of such
16 agreement.

17 (Source: P.A. 98-666, eff. 1-1-15; revised 12-1-14.)

18 (70 ILCS 705/16.06b)

19 Sec. 16.06b. Original appointments; full-time fire
20 department.

21 (a) Applicability. Unless a commission elects to follow the
22 provisions of Section 16.06c, this Section shall apply to all
23 original appointments to an affected full-time fire
24 department. Existing registers of eligibles shall continue to
25 be valid until their expiration dates, or up to a maximum of 2

1 years after the effective date of this amendatory Act of the
2 97th General Assembly.

3 Notwithstanding any statute, ordinance, rule, or other law
4 to the contrary, all original appointments to an affected
5 department to which this Section applies shall be administered
6 in a no less stringent manner than the manner provided for in
7 this Section. Provisions of the Illinois Municipal Code, Fire
8 Protection District Act, fire district ordinances, and rules
9 adopted pursuant to such authority and other laws relating to
10 initial hiring of firefighters in affected departments shall
11 continue to apply to the extent they are compatible with this
12 Section, but in the event of a conflict between this Section
13 and any other law, this Section shall control.

14 A fire protection district that is operating under a court
15 order or consent decree regarding original appointments to a
16 full-time fire department before the effective date of this
17 amendatory Act of the 97th General Assembly is exempt from the
18 requirements of this Section for the duration of the court
19 order or consent decree.

20 (b) Original appointments. All original appointments made
21 to an affected fire department shall be made from a register of
22 eligibles established in accordance with the processes
23 required by this Section. Only persons who meet or exceed the
24 performance standards required by the Section shall be placed
25 on a register of eligibles for original appointment to an
26 affected fire department.

1 Whenever an appointing authority authorizes action to hire
2 a person to perform the duties of a firefighter or to hire a
3 firefighter-paramedic to fill a position that is a new position
4 or vacancy due to resignation, discharge, promotion, death, the
5 granting of a disability or retirement pension, or any other
6 cause, the appointing authority shall appoint to that position
7 the person with the highest ranking on the final eligibility
8 list. If the appointing authority has reason to conclude that
9 the highest ranked person fails to meet the minimum standards
10 for the position or if the appointing authority believes an
11 alternate candidate would better serve the needs of the
12 department, then the appointing authority has the right to pass
13 over the highest ranked person and appoint either: (i) any
14 person who has a ranking in the top 5% of the register of
15 eligibles or (ii) any person who is among the top 5 highest
16 ranked persons on the list of eligibles if the number of people
17 who have a ranking in the top 5% of the register of eligibles
18 is less than 5 people.

19 Any candidate may pass on an appointment once without
20 losing his or her position on the register of eligibles. Any
21 candidate who passes a second time may be removed from the list
22 by the appointing authority provided that such action shall not
23 prejudice a person's opportunities to participate in future
24 examinations, including an examination held during the time a
25 candidate is already on the fire district's register of
26 eligibles.

1 The sole authority to issue certificates of appointment
2 shall be vested in the board of fire commissioners, or board of
3 trustees serving in the capacity of a board of fire
4 commissioners. All certificates of appointment issued to any
5 officer or member of an affected department shall be signed by
6 the chairperson and secretary, respectively, of the commission
7 upon appointment of such officer or member to the affected
8 department by action of the commission. Each person who accepts
9 a certificate of appointment and successfully completes his or
10 her probationary period shall be enrolled as a firefighter and
11 as a regular member of the fire department.

12 For the purposes of this Section, "firefighter" means any
13 person who has been prior to, on, or after the effective date
14 of this amendatory Act of the 97th General Assembly appointed
15 to a fire department or fire protection district or employed by
16 a State university and sworn or commissioned to perform
17 firefighter duties or paramedic duties, or both, except that
18 the following persons are not included: part-time
19 firefighters; auxiliary, reserve, or voluntary firefighters,
20 including paid-on-call firefighters; clerks and dispatchers or
21 other civilian employees of a fire department or fire
22 protection district who are not routinely expected to perform
23 firefighter duties; and elected officials.

24 (c) Qualification for placement on register of eligibles.
25 The purpose of establishing a register of eligibles is to
26 identify applicants who possess and demonstrate the mental

1 aptitude and physical ability to perform the duties required of
2 members of the fire department in order to provide the highest
3 quality of service to the public. To this end, all applicants
4 for original appointment to an affected fire department shall
5 be subject to examination and testing which shall be public,
6 competitive, and open to all applicants unless the district
7 shall by ordinance limit applicants to residents of the
8 district, county or counties in which the district is located,
9 State, or nation. Any examination and testing procedure
10 utilized under subsection (e) of this Section shall be
11 supported by appropriate validation evidence and shall comply
12 with all applicable State ~~state~~ and federal laws. Districts may
13 establish educational, emergency medical service licensure,
14 and other pre-requisites for participation in an examination or
15 for hire as a firefighter. Any fire protection district may
16 charge a fee to cover the costs of the application process.

17 Residency requirements in effect at the time an individual
18 enters the fire service of a district cannot be made more
19 restrictive for that individual during his or her period of
20 service for that district, or be made a condition of promotion,
21 except for the rank or position of fire chief and for no more
22 than 2 positions that rank immediately below that of the chief
23 rank which are appointed positions pursuant to the Fire
24 Department Promotion Act.

25 No person who is 35 years of age or older shall be eligible
26 to take an examination for a position as a firefighter unless

1 the person has had previous employment status as a firefighter
2 in the regularly constituted fire department of the district,
3 except as provided in this Section. The age limitation does not
4 apply to:

5 (1) any person previously employed as a full-time
6 firefighter in a regularly constituted fire department of
7 (i) any municipality or fire protection district located in
8 Illinois, (ii) a fire protection district whose
9 obligations were assumed by a municipality under Section 21
10 of the Fire Protection District Act, or (iii) a
11 municipality whose obligations were taken over by a fire
12 protection district; ~~or~~

13 (2) any person who has served a fire district as a
14 regularly enrolled volunteer, paid-on-call, or part-time
15 firefighter for the 5 years immediately preceding the time
16 that the district begins to use full-time firefighters to
17 provide all or part of its fire protection service; or

18 (3) any person who turned 35 while serving as a member
19 of the active or reserve components of any of the branches
20 of the Armed Forces of the United States or the National
21 Guard of any state, whose service was characterized as
22 honorable or under honorable, if separated from the
23 military, and is currently under the age of 40.

24 No person who is under 21 years of age shall be eligible
25 for employment as a firefighter.

26 No applicant shall be examined concerning his or her

1 political or religious opinions or affiliations. The
2 examinations shall be conducted by the commissioners of the
3 district or their designees and agents.

4 No district shall require that any firefighter appointed to
5 the lowest rank serve a probationary employment period of
6 longer than one year of actual active employment, which may
7 exclude periods of training, or injury or illness leaves,
8 including duty related leave, in excess of 30 calendar days.
9 Notwithstanding anything to the contrary in this Section, the
10 probationary employment period limitation may be extended for a
11 firefighter who is required, as a condition of employment, to
12 be a licensed paramedic, during which time the sole reason that
13 a firefighter may be discharged without a hearing is for
14 failing to meet the requirements for paramedic licensure.

15 In the event that any applicant who has been found eligible
16 for appointment and whose name has been placed upon the final
17 eligibility register provided for in this Section has not been
18 appointed to a firefighter position within one year after the
19 date of his or her physical ability examination, the commission
20 may cause a second examination to be made of that applicant's
21 physical ability prior to his or her appointment. If, after the
22 second examination, the physical ability of the applicant shall
23 be found to be less than the minimum standard fixed by the
24 rules of the commission, the applicant shall not be appointed.
25 The applicant's name may be retained upon the register of
26 candidates eligible for appointment and when next reached for

1 certification and appointment that applicant may be again
2 examined as provided in this Section, and if the physical
3 ability of that applicant is found to be less than the minimum
4 standard fixed by the rules of the commission, the applicant
5 shall not be appointed, and the name of the applicant shall be
6 removed from the register.

7 (d) Notice, examination, and testing components. Notice of
8 the time, place, general scope, merit criteria for any
9 subjective component, and fee of every examination shall be
10 given by the commission, by a publication at least 2 weeks
11 preceding the examination: (i) in one or more newspapers
12 published in the district, or if no newspaper is published
13 therein, then in one or more newspapers with a general
14 circulation within the district, or (ii) on the fire protection
15 district's Internet website. Additional notice of the
16 examination may be given as the commission shall prescribe.

17 The examination and qualifying standards for employment of
18 firefighters shall be based on: mental aptitude, physical
19 ability, preferences, moral character, and health. The mental
20 aptitude, physical ability, and preference components shall
21 determine an applicant's qualification for and placement on the
22 final register of eligibles. The examination may also include a
23 subjective component based on merit criteria as determined by
24 the commission. Scores from the examination must be made
25 available to the public.

26 (e) Mental aptitude. No person who does not possess at

1 least a high school diploma or an equivalent high school
2 education shall be placed on a register of eligibles.
3 Examination of an applicant's mental aptitude shall be based
4 upon a written examination. The examination shall be practical
5 in character and relate to those matters that fairly test the
6 capacity of the persons examined to discharge the duties
7 performed by members of a fire department. Written examinations
8 shall be administered in a manner that ensures the security and
9 accuracy of the scores achieved.

10 (f) Physical ability. All candidates shall be required to
11 undergo an examination of their physical ability to perform the
12 essential functions included in the duties they may be called
13 upon to perform as a member of a fire department. For the
14 purposes of this Section, essential functions of the job are
15 functions associated with duties that a firefighter may be
16 called upon to perform in response to emergency calls. The
17 frequency of the occurrence of those duties as part of the fire
18 department's regular routine shall not be a controlling factor
19 in the design of examination criteria or evolutions selected
20 for testing. These physical examinations shall be open,
21 competitive, and based on industry standards designed to test
22 each applicant's physical abilities in the following
23 dimensions:

24 (1) Muscular strength to perform tasks and evolutions
25 that may be required in the performance of duties including
26 grip strength, leg strength, and arm strength. Tests shall

1 be conducted under anaerobic as well as aerobic conditions
2 to test both the candidate's speed and endurance in
3 performing tasks and evolutions. Tasks tested may be based
4 on standards developed, or approved, by the local
5 appointing authority.

6 (2) The ability to climb ladders, operate from heights,
7 walk or crawl in the dark along narrow and uneven surfaces,
8 and operate in proximity to hazardous environments.

9 (3) The ability to carry out critical, time-sensitive,
10 and complex problem solving during physical exertion in
11 stressful and hazardous environments. The testing
12 environment may be hot and dark with tightly enclosed
13 spaces, flashing lights, sirens, and other distractions.

14 The tests utilized to measure each applicant's
15 capabilities in each of these dimensions may be tests based on
16 industry standards currently in use or equivalent tests
17 approved by the Joint Labor-Management Committee of the Office
18 of the State Fire Marshal.

19 Physical ability examinations administered under this
20 Section shall be conducted with a reasonable number of proctors
21 and monitors, open to the public, and subject to reasonable
22 regulations of the commission.

23 (g) Scoring of examination components. Appointing
24 authorities may create a preliminary eligibility register. A
25 person shall be placed on the list based upon his or her
26 passage of the written examination or the passage of the

1 written examination and the physical ability component.
2 Passage of the written examination means attaining the minimum
3 score set by the commission. Minimum scores should be set by
4 the appointing authorities so as to demonstrate a candidate's
5 ability to perform the essential functions of the job. The
6 minimum score set by the commission shall be supported by
7 appropriate validation evidence and shall comply with all
8 applicable State ~~state~~ and federal laws. The appointing
9 authority may conduct the physical ability component and any
10 subjective components subsequent to the posting of the
11 preliminary eligibility register.

12 The examination components for an initial eligibility
13 register shall be graded on a 100-point scale. A person's
14 position on the list shall be determined by the following: (i)
15 the person's score on the written examination, (ii) the person
16 successfully passing the physical ability component, and (iii)
17 the person's results on any subjective component as described
18 in subsection (d).

19 In order to qualify for placement on the final eligibility
20 register, an applicant's score on the written examination,
21 before any applicable preference points or subjective points
22 are applied, shall be at or above the minimum score set by the
23 commission. The local appointing authority may prescribe the
24 score to qualify for placement on the final eligibility
25 register, but the score shall not be less than the minimum
26 score set by the commission.

1 The commission shall prepare and keep a register of persons
2 whose total score is not less than the minimum score for
3 passage and who have passed the physical ability examination.
4 These persons shall take rank upon the register as candidates
5 in the order of their relative excellence based on the highest
6 to the lowest total points scored on the mental aptitude,
7 subjective component, and preference components of the test
8 administered in accordance with this Section. No more than 60
9 days after each examination, an initial eligibility list shall
10 be posted by the commission. The list shall include the final
11 grades of the candidates without reference to priority of the
12 time of examination and subject to claim for preference credit.

13 Commissions may conduct additional examinations, including
14 without limitation a polygraph test, after a final eligibility
15 register is established and before it expires with the
16 candidates ranked by total score without regard to date of
17 examination. No more than 60 days after each examination, an
18 initial eligibility list shall be posted by the commission
19 showing the final grades of the candidates without reference to
20 priority of time of examination and subject to claim for
21 preference credit.

22 (h) Preferences. The following are preferences:

23 (1) Veteran preference. Persons who were engaged in the
24 military service of the United States for a period of at
25 least one year of active duty and who were honorably
26 discharged therefrom, or who are now or have been members

1 on inactive or reserve duty in such military or naval
2 service, shall be preferred for appointment to and
3 employment with the fire department of an affected
4 department.

5 (2) Fire cadet preference. Persons who have
6 successfully completed 2 years of study in fire techniques
7 or cadet training within a cadet program established under
8 the rules of the Joint Labor and Management Committee
9 (JLMC), as defined in Section 50 of the Fire Department
10 Promotion Act, may be preferred for appointment to and
11 employment with the fire department.

12 (3) Educational preference. Persons who have
13 successfully obtained an associate's degree in the field of
14 fire service or emergency medical services, or a bachelor's
15 degree from an accredited college or university may be
16 preferred for appointment to and employment with the fire
17 department.

18 (4) Paramedic preference. Persons who have obtained a
19 license as a paramedic may be preferred for appointment to
20 and employment with the fire department of an affected
21 department providing emergency medical services.

22 (5) Experience preference. All persons employed by a
23 district who have been paid-on-call or part-time certified
24 Firefighter II, certified Firefighter III, State of
25 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
26 paramedic, or any combination of those capacities may be

1 awarded up to a maximum of 5 points. However, the applicant
2 may not be awarded more than 0.5 points for each complete
3 year of paid-on-call or part-time service. Applicants from
4 outside the district who were employed as full-time
5 firefighters or firefighter-paramedics by a fire
6 protection district or municipality for at least 2 years
7 may be awarded up to 5 experience preference points.
8 However, the applicant may not be awarded more than one
9 point for each complete year of full-time service.

10 Upon request by the commission, the governing body of
11 the district or in the case of applicants from outside the
12 district the governing body of any other fire protection
13 district or any municipality shall certify to the
14 commission, within 10 days after the request, the number of
15 years of successful paid-on-call, part-time, or full-time
16 service of any person. A candidate may not receive the full
17 amount of preference points under this subsection if the
18 amount of points awarded would place the candidate before a
19 veteran on the eligibility list. If more than one candidate
20 receiving experience preference points is prevented from
21 receiving all of their points due to not being allowed to
22 pass a veteran, the candidates shall be placed on the list
23 below the veteran in rank order based on the totals
24 received if all points under this subsection were to be
25 awarded. Any remaining ties on the list shall be determined
26 by lot.

1 (6) Residency preference. Applicants whose principal
2 residence is located within the fire department's
3 jurisdiction may be preferred for appointment to and
4 employment with the fire department.

5 (7) Additional preferences. Up to 5 additional
6 preference points may be awarded for unique categories
7 based on an applicant's experience or background as
8 identified by the commission.

9 (8) Scoring of preferences. The commission shall give
10 preference for original appointment to persons designated
11 in item (1) by adding to the final grade that they receive
12 5 points for the recognized preference achieved. The
13 commission shall determine the number of preference points
14 for each category except (1). The number of preference
15 points for each category shall range from 0 to 5. In
16 determining the number of preference points, the
17 commission shall prescribe that if a candidate earns the
18 maximum number of preference points in all categories, that
19 number may not be less than 10 nor more than 30. The
20 commission shall give preference for original appointment
21 to persons designated in items (2) through (7) by adding
22 the requisite number of points to the final grade for each
23 recognized preference achieved. The numerical result thus
24 attained shall be applied by the commission in determining
25 the final eligibility list and appointment from the
26 eligibility list. The local appointing authority may

1 prescribe the total number of preference points awarded
2 under this Section, but the total number of preference
3 points shall not be less than 10 points or more than 30
4 points.

5 No person entitled to any preference shall be required to
6 claim the credit before any examination held under the
7 provisions of this Section, but the preference shall be given
8 after the posting or publication of the initial eligibility
9 list or register at the request of a person entitled to a
10 credit before any certification or appointments are made from
11 the eligibility register, upon the furnishing of verifiable
12 evidence and proof of qualifying preference credit. Candidates
13 who are eligible for preference credit shall make a claim in
14 writing within 10 days after the posting of the initial
15 eligibility list, or the claim shall be deemed waived. Final
16 eligibility registers shall be established after the awarding
17 of verified preference points. All employment shall be subject
18 to the commission's initial hire background review including,
19 but not limited to, criminal history, employment history, moral
20 character, oral examination, and medical and psychological
21 examinations, all on a pass-fail basis. The medical and
22 psychological examinations must be conducted last, and may only
23 be performed after a conditional offer of employment has been
24 extended.

25 Any person placed on an eligibility list who exceeds the
26 age requirement before being appointed to a fire department

1 shall remain eligible for appointment until the list is
2 abolished, or his or her name has been on the list for a period
3 of 2 years. No person who has attained the age of 35 years
4 shall be inducted into a fire department, except as otherwise
5 provided in this Section.

6 The commission shall strike off the names of candidates for
7 original appointment after the names have been on the list for
8 more than 2 years.

9 (i) Moral character. No person shall be appointed to a fire
10 department unless he or she is a person of good character; not
11 a habitual drunkard, a gambler, or a person who has been
12 convicted of a felony or a crime involving moral turpitude.
13 However, no person shall be disqualified from appointment to
14 the fire department because of the person's record of
15 misdemeanor convictions except those under Sections 11-6,
16 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
17 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
18 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
19 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, or arrest for any cause without
21 conviction thereon. Any such person who is in the department
22 may be removed on charges brought for violating this subsection
23 and after a trial as hereinafter provided.

24 A classifiable set of the fingerprints of every person who
25 is offered employment as a certificated member of an affected
26 fire department whether with or without compensation, shall be

1 furnished to the Illinois Department of State Police and to the
2 Federal Bureau of Investigation by the commission.

3 Whenever a commission is authorized or required by law to
4 consider some aspect of criminal history record information for
5 the purpose of carrying out its statutory powers and
6 responsibilities, then, upon request and payment of fees in
7 conformance with the requirements of Section 2605-400 of the
8 State Police Law of the Civil Administrative Code of Illinois,
9 the Department of State Police is authorized to furnish,
10 pursuant to positive identification, the information contained
11 in State files as is necessary to fulfill the request.

12 (j) Temporary appointments. In order to prevent a stoppage
13 of public business, to meet extraordinary exigencies, or to
14 prevent material impairment of the fire department, the
15 commission may make temporary appointments, to remain in force
16 only until regular appointments are made under the provisions
17 of this Section, but never to exceed 60 days. No temporary
18 appointment of any one person shall be made more than twice in
19 any calendar year.

20 (k) A person who knowingly divulges or receives test
21 questions or answers before a written examination, or otherwise
22 knowingly violates or subverts any requirement of this Section,
23 commits a violation of this Section and may be subject to
24 charges for official misconduct.

25 A person who is the knowing recipient of test information
26 in advance of the examination shall be disqualified from the

1 examination or discharged from the position to which he or she
2 was appointed, as applicable, and otherwise subjected to
3 disciplinary actions.

4 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
5 97-1150, eff. 1-25-13; 98-760, eff. 7-16-14; 98-973, eff.
6 8-15-14; 98-995, eff. 8-18-14; revised 10-2-14.)

7 Section 190. The School Code is amended by changing
8 Sections 2-3.25g, 3-15.12, 14-7.02, 19-1, 24-12, 27-23.7,
9 27A-4, 27A-5, 27A-6, 27A-7, 27A-11, 30-14.2, and 34-85 and by
10 setting forth and renumbering multiple versions of Section
11 2-3.160 as follows:

12 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

13 Sec. 2-3.25g. Waiver or modification of mandates within the
14 School Code and administrative rules and regulations.

15 (a) In this Section:

16 "Board" means a school board or the governing board or
17 administrative district, as the case may be, for a joint
18 agreement.

19 "Eligible applicant" means a school district, joint
20 agreement made up of school districts, or regional
21 superintendent of schools on behalf of schools and programs
22 operated by the regional office of education.

23 "Implementation date" has the meaning set forth in
24 Section 24A-2.5 of this Code.

1 "State Board" means the State Board of Education.

2 (b) Notwithstanding any other provisions of this School
3 Code or any other law of this State to the contrary, eligible
4 applicants may petition the State Board of Education for the
5 waiver or modification of the mandates of this School Code or
6 of the administrative rules and regulations promulgated by the
7 State Board of Education. Waivers or modifications of
8 administrative rules and regulations and modifications of
9 mandates of this School Code may be requested when an eligible
10 applicant demonstrates that it can address the intent of the
11 rule or mandate in a more effective, efficient, or economical
12 manner or when necessary to stimulate innovation or improve
13 student performance. Waivers of mandates of the School Code may
14 be requested when the waivers are necessary to stimulate
15 innovation or improve student performance. Waivers may not be
16 requested from laws, rules, and regulations pertaining to
17 special education, teacher educator licensure, teacher tenure
18 and seniority, or Section 5-2.1 of this Code or from compliance
19 with the No Child Left Behind Act of 2001 (Public Law 107-110).
20 Eligible applicants may not seek a waiver or seek a
21 modification of a mandate regarding the requirements for (i)
22 student performance data to be a significant factor in teacher
23 or principal evaluations or (ii) ~~for~~ teachers and principals to
24 be rated using the 4 categories of "excellent", "proficient",
25 "needs improvement", or "unsatisfactory". On September 1,
26 2014, any previously authorized waiver or modification from

1 such requirements shall terminate.

2 (c) Eligible applicants, as a matter of inherent managerial
3 policy, and any Independent Authority established under
4 Section 2-3.25f-5 of this Code may submit an application for a
5 waiver or modification authorized under this Section. Each
6 application must include a written request by the eligible
7 applicant or Independent Authority and must demonstrate that
8 the intent of the mandate can be addressed in a more effective,
9 efficient, or economical manner or be based upon a specific
10 plan for improved student performance and school improvement.
11 Any eligible applicant requesting a waiver or modification for
12 the reason that intent of the mandate can be addressed in a
13 more economical manner shall include in the application a
14 fiscal analysis showing current expenditures on the mandate and
15 projected savings resulting from the waiver or modification.
16 Applications and plans developed by eligible applicants must be
17 approved by the board or regional superintendent of schools
18 applying on behalf of schools or programs operated by the
19 regional office of education following a public hearing on the
20 application and plan and the opportunity for the board or
21 regional superintendent to hear testimony from staff directly
22 involved in its implementation, parents, and students. The time
23 period for such testimony shall be separate from the time
24 period established by the eligible applicant for public comment
25 on other matters. If the applicant is a school district or
26 joint agreement requesting a waiver or modification of Section

1 27-6 of this Code, the public hearing shall be held on a day
2 other than the day on which a regular meeting of the board is
3 held.

4 (c-5) If the applicant is a school district, then the
5 district shall post information that sets forth the time, date,
6 place, and general subject matter of the public hearing on its
7 Internet website at least 14 days prior to the hearing. If the
8 district is requesting to increase the fee charged for driver
9 education authorized pursuant to Section 27-24.2 of this Code,
10 the website information shall include the proposed amount of
11 the fee the district will request. All school districts must
12 publish a notice of the public hearing at least 7 days prior to
13 the hearing in a newspaper of general circulation within the
14 school district that sets forth the time, date, place, and
15 general subject matter of the hearing. Districts requesting to
16 increase the fee charged for driver education shall include in
17 the published notice the proposed amount of the fee the
18 district will request. If the applicant is a joint agreement or
19 regional superintendent, then the joint agreement or regional
20 superintendent shall post information that sets forth the time,
21 date, place, and general subject matter of the public hearing
22 on its Internet website at least 14 days prior to the hearing.
23 If the joint agreement or regional superintendent is requesting
24 to increase the fee charged for driver education authorized
25 pursuant to Section 27-24.2 of this Code, the website
26 information shall include the proposed amount of the fee the

1 applicant will request. All joint agreements and regional
2 superintendents must publish a notice of the public hearing at
3 least 7 days prior to the hearing in a newspaper of general
4 circulation in each school district that is a member of the
5 joint agreement or that is served by the educational service
6 region that sets forth the time, date, place, and general
7 subject matter of the hearing, provided that a notice appearing
8 in a newspaper generally circulated in more than one school
9 district shall be deemed to fulfill this requirement with
10 respect to all of the affected districts. Joint agreements or
11 regional superintendents requesting to increase the fee
12 charged for driver education shall include in the published
13 notice the proposed amount of the fee the applicant will
14 request. The eligible applicant must notify in writing the
15 affected exclusive collective bargaining agent and those State
16 legislators representing the eligible applicant's territory of
17 its intent to seek approval of a waiver or modification and of
18 the hearing to be held to take testimony from staff. The
19 affected exclusive collective bargaining agents shall be
20 notified of such public hearing at least 7 days prior to the
21 date of the hearing and shall be allowed to attend such public
22 hearing. The eligible applicant shall attest to compliance with
23 all of the notification and procedural requirements set forth
24 in this Section.

25 (d) A request for a waiver or modification of
26 administrative rules and regulations or for a modification of

1 mandates contained in this School Code shall be submitted to
2 the State Board of Education within 15 days after approval by
3 the board or regional superintendent of schools. The
4 application as submitted to the State Board of Education shall
5 include a description of the public hearing. Except with
6 respect to contracting for adaptive driver education, an
7 eligible applicant wishing to request a modification or waiver
8 of administrative rules of the State Board of Education
9 regarding contracting with a commercial driver training school
10 to provide the course of study authorized under Section 27-24.2
11 of this Code must provide evidence with its application that
12 the commercial driver training school with which it will
13 contract holds a license issued by the Secretary of State under
14 Article IV of Chapter 6 of the Illinois Vehicle Code and that
15 each instructor employed by the commercial driver training
16 school to provide instruction to students served by the school
17 district holds a valid teaching certificate or teaching
18 license, as applicable, issued under the requirements of this
19 Code and rules of the State Board of Education. Such evidence
20 must include, but need not be limited to, a list of each
21 instructor assigned to teach students served by the school
22 district, which list shall include the instructor's name,
23 personal identification number as required by the State Board
24 of Education, birth date, and driver's license number. If the
25 modification or waiver is granted, then the eligible applicant
26 shall notify the State Board of Education of any changes in the

1 personnel providing instruction within 15 calendar days after
2 an instructor leaves the program or a new instructor is hired.
3 Such notification shall include the instructor's name,
4 personal identification number as required by the State Board
5 of Education, birth date, and driver's license number. If a
6 school district maintains an Internet website, then the
7 district shall post a copy of the final contract between the
8 district and the commercial driver training school on the
9 district's Internet website. If no Internet website exists,
10 then the district shall make available the contract upon
11 request. A record of all materials in relation to the
12 application for contracting must be maintained by the school
13 district and made available to parents and guardians upon
14 request. The instructor's date of birth and driver's license
15 number and any other personally identifying information as
16 deemed by the federal Driver's Privacy Protection Act of 1994
17 must be redacted from any public materials. Following receipt
18 of the waiver or modification request, the State Board shall
19 have 45 days to review the application and request. If the
20 State Board fails to disapprove the application within that 45
21 day period, the waiver or modification shall be deemed granted.
22 The State Board may disapprove any request if it is not based
23 upon sound educational practices, endangers the health or
24 safety of students or staff, compromises equal opportunities
25 for learning, or fails to demonstrate that the intent of the
26 rule or mandate can be addressed in a more effective,

1 efficient, or economical manner or have improved student
2 performance as a primary goal. Any request disapproved by the
3 State Board may be appealed to the General Assembly by the
4 eligible applicant as outlined in this Section.

5 A request for a waiver from mandates contained in this
6 School Code shall be submitted to the State Board within 15
7 days after approval by the board or regional superintendent of
8 schools. The application as submitted to the State Board of
9 Education shall include a description of the public hearing.
10 The description shall include, but need not be limited to, the
11 means of notice, the number of people in attendance, the number
12 of people who spoke as proponents or opponents of the waiver, a
13 brief description of their comments, and whether there were any
14 written statements submitted. The State Board shall review the
15 applications and requests for completeness and shall compile
16 the requests in reports to be filed with the General Assembly.
17 The State Board shall file reports outlining the waivers
18 requested by eligible applicants and appeals by eligible
19 applicants of requests disapproved by the State Board with the
20 Senate and the House of Representatives before each March 1 and
21 October 1. The General Assembly may disapprove the report of
22 the State Board in whole or in part within 60 calendar days
23 after each house of the General Assembly next convenes after
24 the report is filed by adoption of a resolution by a record
25 vote of the majority of members elected in each house. If the
26 General Assembly fails to disapprove any waiver request or

1 appealed request within such 60 day period, the waiver or
2 modification shall be deemed granted. Any resolution adopted by
3 the General Assembly disapproving a report of the State Board
4 in whole or in part shall be binding on the State Board.

5 (e) An approved waiver or modification (except a waiver
6 from or modification to a physical education mandate) may
7 remain in effect for a period not to exceed 5 school years and
8 may be renewed upon application by the eligible applicant.
9 However, such waiver or modification may be changed within that
10 5-year period by a board or regional superintendent of schools
11 applying on behalf of schools or programs operated by the
12 regional office of education following the procedure as set
13 forth in this Section for the initial waiver or modification
14 request. If neither the State Board of Education nor the
15 General Assembly disapproves, the change is deemed granted.

16 An approved waiver from or modification to a physical
17 education mandate may remain in effect for a period not to
18 exceed 2 school years and may be renewed no more than 2 times
19 upon application by the eligible applicant. An approved waiver
20 from or modification to a physical education mandate may be
21 changed within the 2-year period by the board or regional
22 superintendent of schools, whichever is applicable, following
23 the procedure set forth in this Section for the initial waiver
24 or modification request. If neither the State Board of
25 Education nor the General Assembly disapproves, the change is
26 deemed granted.

1 (f) (Blank).

2 (Source: P.A. 97-1025, eff. 1-1-13; 98-513, eff. 1-1-14;
3 98-739, eff. 7-16-14; 98-1155, eff. 1-9-15; revised 2-1-15.)

4 (105 ILCS 5/2-3.160)

5 (Section scheduled to be repealed on July 1, 2015)

6 Sec. 2-3.160. School Security and Standards Task Force.

7 (a) The School Security and Standards Task Force is created
8 within the State Board of Education to study the security of
9 schools in this State, make recommendations, and draft minimum
10 standards for use by schools to make them more secure and to
11 provide a safer learning environment for the children of this
12 State. The Task Force shall consist of all of the following
13 members:

14 (1) One member of the public who is a parent and one
15 member of the Senate, appointed by the President of the
16 Senate.

17 (2) One member of the public who is a parent and one
18 member of the Senate, appointed by the Minority Leader of
19 the Senate.

20 (3) One member of the public who is a parent and one
21 member of the House of Representatives, appointed by the
22 Speaker of the House of Representatives.

23 (4) One member of the public who is a parent and one
24 member of the House of Representatives, appointed by the
25 Minority Leader of the House of Representatives.

1 (5) A representative from the State Board of Education,
2 appointed by the Chairperson of the State Board of
3 Education.

4 (6) A representative from the Department of State
5 Police, appointed by the Director of State Police.

6 (7) A representative from an association representing
7 Illinois sheriffs, appointed by the Governor.

8 (8) A representative from an association representing
9 Illinois chiefs of police, appointed by the Governor.

10 (9) A representative from an association representing
11 Illinois firefighters, appointed by the Governor.

12 (10) A representative from an association representing
13 Illinois regional superintendents of schools, appointed by
14 the Governor.

15 (11) A representative from an association representing
16 Illinois principals, appointed by the Governor.

17 (12) A representative from an association representing
18 Illinois school boards, appointed by the Governor.

19 (13) A representative from the security consulting
20 profession, appointed by the Governor.

21 (14) An architect or engineer who specializes in
22 security issues, appointed by the Governor.

23 Members of the Task Force appointed by the Governor must be
24 individuals who have knowledge, experience, and expertise in
25 the field of security or who have worked within the school
26 system. The appointment of members by the Governor must reflect

1 the geographic diversity of this State.

2 Members of the Task Force shall serve without compensation
3 and shall not be reimbursed for their expenses.

4 (b) The Task Force shall meet initially at the call of the
5 State Superintendent of Education. At this initial meeting, the
6 Task Force shall elect a member as presiding officer of the
7 Task Force by a majority vote of the membership of the Task
8 Force. Thereafter, the Task Force shall meet at the call of the
9 presiding officer.

10 (c) The State Board of Education shall provide
11 administrative and other support to the Task Force.

12 (d) The Task Force shall make recommendations for minimum
13 standards for security for the schools in this State. In making
14 those recommendations, the Task Force shall do all of the
15 following:

16 (1) Gather information concerning security in schools
17 as it presently exists.

18 (2) Receive reports and testimony from individuals,
19 school district superintendents, principals, teachers,
20 security experts, architects, engineers, and the law
21 enforcement community.

22 (3) Create minimum standards for securing schools.

23 (4) Give consideration to securing the physical
24 structures, security staffing recommendations,
25 communications, security equipment, alarms, video and
26 audio monitoring, school policies, egress and ingress,

1 security plans, emergency exits and escape, and any other
2 areas of security that the Task Force deems appropriate for
3 securing schools.

4 (5) Create a model security plan policy.

5 (6) Suggest possible funding recommendations for
6 schools to access for use in implementing enhanced security
7 measures.

8 (7) On or before January 1, 2015, submit a report to
9 the General Assembly and the Governor on specific
10 recommendations for changes to the current law or other
11 legislative measures.

12 (8) On or before January 1, 2015, submit a report to
13 the State Board of Education on specific recommendations
14 for model security plan policies for schools to access and
15 use as a guideline. This report is exempt from inspection
16 and copying under Section 7 of the Freedom of Information
17 Act.

18 The Task Force's recommendations may include proposals for
19 specific statutory changes and methods to foster cooperation
20 among State agencies and between this State and local
21 government.

22 (e) The Task Force is abolished and this Section is
23 repealed on July 1, 2015.

24 (Source: P.A. 98-695, eff. 7-3-14.)

25 (105 ILCS 5/2-3.161)

1 Sec. 2-3.161 ~~2-3.160~~. Definition of dyslexia in rules;
2 reading instruction advisory group.

3 (a) The State Board of Education shall adopt rules that
4 incorporate an international definition of dyslexia into Part
5 226 of Title 23 of the Illinois Administrative Code.

6 (b) Subject to specific State appropriation or the
7 availability of private donations, the State Board of Education
8 shall establish an advisory group to develop a training module
9 or training modules to provide education and professional
10 development to teachers, school administrators, and other
11 education professionals regarding multi-sensory, systematic,
12 and sequential instruction in reading. This advisory group
13 shall complete its work before July 31, 2015 and is abolished
14 on July 31, 2015.

15 (Source: P.A. 98-705, eff. 7-14-14; revised 10-14-14.)

16 (105 ILCS 5/2-3.162)

17 Sec. 2-3.162 ~~2-3.160~~. Student discipline report; school
18 discipline improvement plan.

19 (a) On or before October 31, 2015 and on or before October
20 31 of each subsequent year, the State Board of Education,
21 through the State Superintendent of Education, shall prepare a
22 report on student discipline in all school districts in this
23 State, including State-authorized charter schools. This report
24 shall include data from all public schools within school
25 districts, including district-authorized charter schools. This

1 report must be posted on the Internet website of the State
2 Board of Education. The report shall include data on the
3 issuance of out-of-school suspensions, expulsions, and
4 removals to alternative settings in lieu of another
5 disciplinary action, disaggregated by race and ethnicity,
6 gender, age, grade level, limited English proficiency,
7 incident type, and discipline duration.

8 (b) The State Board of Education shall analyze the data
9 under subsection (a) of this Section on an annual basis and
10 determine the top 20% of school districts for the following
11 metrics:

12 (1) Total number of out-of-school suspensions divided
13 by the total district enrollment by the last school day in
14 September for the year in which the data was collected,
15 multiplied by 100.

16 (2) Total number of out-of-school expulsions divided
17 by the total district enrollment by the last school day in
18 September for the year in which the data was collected,
19 multiplied by 100.

20 (3) Racial disproportionality, defined as the
21 overrepresentation of students of color or white students
22 in comparison to the total number of students of color or
23 white students on October 1st of the school year in which
24 data are collected, with respect to the use of
25 out-of-school suspensions and expulsions, which must be
26 calculated using the same method as the U.S. Department of

1 Education's Office for Civil Rights uses.

2 The analysis must be based on data collected over 3
3 consecutive school years, beginning with the 2014-2015 school
4 year.

5 Beginning with the 2017-2018 school year, the State Board
6 of Education shall require each of the school districts that
7 are identified in the top 20% of any of the metrics described
8 in this subsection (b) for 3 consecutive years to submit a plan
9 identifying the strategies the school district will implement
10 to reduce the use of exclusionary disciplinary practices or
11 racial disproportionality or both, if applicable. School
12 districts that no longer meet the criteria described in any of
13 the metrics described in this subsection (b) for 3 consecutive
14 years shall no longer be required to submit a plan.

15 This plan may be combined with any other improvement plans
16 required under federal or State law.

17 The calculation of the top 20% of any of the metrics
18 described in this subsection (b) shall exclude all school
19 districts, State-authorized charter schools, and special
20 charter districts that issued fewer than a total of 10
21 out-of-school suspensions or expulsions, whichever is
22 applicable, during the school year. The calculation of the top
23 20% of metric described in subdivision (3) of this subsection
24 (b) shall exclude all school districts with an enrollment of
25 fewer than 50 white students or fewer than 50 students of
26 color.

1 The plan must be approved at a public school board meeting
2 and posted on the school district's Internet website. Within
3 one year after being identified, the school district shall
4 submit to the State Board of Education and post on the
5 district's Internet website a progress report describing the
6 implementation of the plan and the results achieved.

7 (Source: P.A. 98-1102, eff. 8-26-14; revised 10-14-14.)

8 (105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)

9 Sec. 3-15.12. High school equivalency testing program. The
10 regional superintendent of schools shall make available for
11 qualified individuals residing within the region a High School
12 Equivalency Testing Program. For that purpose the regional
13 superintendent alone or with other regional superintendents
14 may establish and supervise a testing center or centers to
15 administer the secure forms for high school equivalency testing
16 to qualified persons. Such centers shall be under the
17 supervision of the regional superintendent in whose region such
18 centers are located, subject to the approval of the Executive
19 Director of the Illinois Community College Board.

20 An individual is eligible to apply to the regional
21 superintendent of schools for the region in which he or she
22 resides if he or she is: (a) a person who is 17 years of age or
23 older, has maintained residence in the State of Illinois, and
24 is not a high school graduate; (b) a person who is successfully
25 completing an alternative education program under Section

1 2-3.81, Article 13A, or Article 13B; or (c) a person who is
2 enrolled in a youth education program sponsored by the Illinois
3 National Guard. For purposes of this Section, residence is that
4 abode which the applicant considers his or her home. Applicants
5 may provide as sufficient proof of such residence and as an
6 acceptable form of identification a driver's license, valid
7 passport, military ID, or other form of government-issued
8 national or foreign identification that shows the applicant's
9 name, address, date of birth, signature, and photograph or
10 other acceptable identification as may be allowed by law or as
11 regulated by the Illinois Community College Board. Such
12 regional superintendent shall determine if the applicant meets
13 statutory and regulatory state standards. If qualified the
14 applicant shall at the time of such application pay a fee
15 established by the Illinois Community College Board, which fee
16 shall be paid into a special fund under the control and
17 supervision of the regional superintendent. Such moneys
18 received by the regional superintendent shall be used, first,
19 for the expenses incurred in administering and scoring the
20 examination, and next for other educational programs that are
21 developed and designed by the regional superintendent of
22 schools to assist those who successfully complete high school
23 equivalency testing in furthering their academic development
24 or their ability to secure and retain gainful employment,
25 including programs for the competitive award based on test
26 scores of college or adult education scholarship grants or

1 similar educational incentives. Any excess moneys shall be paid
2 into the institute fund.

3 Any applicant who has achieved the minimum passing
4 standards as established by the Illinois Community College
5 Board shall be notified in writing by the regional
6 superintendent and shall be issued a high school equivalency
7 certificate on the forms provided by the Illinois Community
8 College Board. The regional superintendent shall then certify
9 to the Illinois Community College Board the score of the
10 applicant and such other and additional information that may be
11 required by the Illinois Community College Board. The moneys
12 received therefrom shall be used in the same manner as provided
13 for in this Section.

14 Any applicant who has attained the age of 17 years and
15 maintained residence in the State of Illinois and is not a high
16 school graduate, any person who has enrolled in a youth
17 education program sponsored by the Illinois National Guard, or
18 any person who has successfully completed an alternative
19 education program under Section 2-3.81, Article 13A, or Article
20 13B is eligible to apply for a high school equivalency
21 certificate (if he or she meets the requirements prescribed by
22 the Illinois Community College Board) upon showing evidence
23 that he or she has completed, successfully, high school
24 equivalency testing, administered by the United States Armed
25 Forces Institute, official high school equivalency testing
26 centers established in other states, Veterans' Administration

1 Hospitals, or the office of the State Superintendent of
2 Education for the Illinois State Penitentiary System and the
3 Department of Corrections. Such applicant shall apply to the
4 regional superintendent of the region wherein he or she has
5 maintained residence, and, upon payment of a fee established by
6 the Illinois Community College Board, the regional
7 superintendent shall issue a high school equivalency
8 certificate and immediately thereafter certify to the Illinois
9 Community College Board the score of the applicant and such
10 other and additional information as may be required by the
11 Illinois Community College Board.

12 Notwithstanding the provisions of this Section, any
13 applicant who has been out of school for at least one year may
14 request the regional superintendent of schools to administer
15 restricted high school equivalency testing upon written
16 request of: the director of a program who certifies to the
17 Chief Examiner of an official high school equivalency testing
18 center that the applicant has completed a program of
19 instruction provided by such agencies as the Job Corps, the
20 Postal Service Academy, or an apprenticeship training program;
21 an employer or program director for purposes of entry into
22 apprenticeship programs; another state's department of
23 education in order to meet regulations established by that
24 department of education; or a post high school educational
25 institution for purposes of admission, the Department of
26 Financial and Professional Regulation for licensing purposes,

1 or the Armed Forces for induction purposes. The regional
2 superintendent shall administer such testing, and the
3 applicant shall be notified in writing that he or she is
4 eligible to receive a high school equivalency certificate upon
5 reaching age 17, provided he or she meets the standards
6 established by the Illinois Community College Board.

7 Any test administered under this Section to an applicant
8 who does not speak and understand English may at the discretion
9 of the administering agency be given and answered in any
10 language in which the test is printed. The regional
11 superintendent of schools may waive any fees required by this
12 Section in case of hardship.

13 In counties of over 3,000,000 population, a high school
14 equivalency certificate shall contain the signatures of the
15 Executive Director of the Illinois Community College Board ~~and~~
16 the superintendent, president, or other chief executive
17 officer of the institution where high school equivalency
18 testing instruction occurred~~+~~ and any other signatures
19 authorized by the Illinois Community College Board.

20 The regional superintendent of schools shall furnish the
21 Illinois Community College Board with any information that the
22 Illinois Community College Board requests with regard to
23 testing and certificates under this Section.

24 (Source: P.A. 98-718, eff. 1-1-15; 98-719, eff. 1-1-15; revised
25 10-1-14.)

1 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

2 Sec. 14-7.02. Children attending private schools, public
3 out-of-state schools, public school residential facilities or
4 private special education facilities. The General Assembly
5 recognizes that non-public schools or special education
6 facilities provide an important service in the educational
7 system in Illinois.

8 If because of his or her disability the special education
9 program of a district is unable to meet the needs of a child
10 and the child attends a non-public school or special education
11 facility, a public out-of-state school or a special education
12 facility owned and operated by a county government unit that
13 provides special educational services required by the child and
14 is in compliance with the appropriate rules and regulations of
15 the State Superintendent of Education, the school district in
16 which the child is a resident shall pay the actual cost of
17 tuition for special education and related services provided
18 during the regular school term and during the summer school
19 term if the child's educational needs so require, excluding
20 room, board and transportation costs charged the child by that
21 non-public school or special education facility, public
22 out-of-state school or county special education facility, or
23 \$4,500 per year, whichever is less, and shall provide him any
24 necessary transportation. "Nonpublic special education
25 facility" shall include a residential facility, within or
26 without the State of Illinois, which provides special education

1 and related services to meet the needs of the child by
2 utilizing private schools or public schools, whether located on
3 the site or off the site of the residential facility.

4 The State Board of Education shall promulgate rules and
5 regulations for determining when placement in a private special
6 education facility is appropriate. Such rules and regulations
7 shall take into account the various types of services needed by
8 a child and the availability of such services to the particular
9 child in the public school. In developing these rules and
10 regulations the State Board of Education shall consult with the
11 Advisory Council on Education of Children with Disabilities and
12 hold public hearings to secure recommendations from parents,
13 school personnel, and others concerned about this matter.

14 The State Board of Education shall also promulgate rules
15 and regulations for transportation to and from a residential
16 school. Transportation to and from home to a residential school
17 more than once each school term shall be subject to prior
18 approval by the State Superintendent in accordance with the
19 rules and regulations of the State Board.

20 A school district making tuition payments pursuant to this
21 Section is eligible for reimbursement from the State for the
22 amount of such payments actually made in excess of the district
23 per capita tuition charge for students not receiving special
24 education services. Such reimbursement shall be approved in
25 accordance with Section 14-12.01 and each district shall file
26 its claims, computed in accordance with rules prescribed by the

1 State Board of Education, on forms prescribed by the State
2 Superintendent of Education. Data used as a basis of
3 reimbursement claims shall be for the preceding regular school
4 term and summer school term. Each school district shall
5 transmit its claims to the State Board of Education on or
6 before August 15. The State Board of Education, before
7 approving any such claims, shall determine their accuracy and
8 whether they are based upon services and facilities provided
9 under approved programs. Upon approval the State Board shall
10 cause vouchers to be prepared showing the amount due for
11 payment of reimbursement claims to school districts, for
12 transmittal to the State Comptroller on the 30th day of
13 September, December, and March, respectively, and the final
14 voucher, no later than June 20. If the money appropriated by
15 the General Assembly for such purpose for any year is
16 insufficient, it shall be apportioned on the basis of the
17 claims approved.

18 No child shall be placed in a special education program
19 pursuant to this Section if the tuition cost for special
20 education and related services increases more than 10 percent
21 over the tuition cost for the previous school year or exceeds
22 \$4,500 per year unless such costs have been approved by the
23 Illinois Purchased Care Review Board. The Illinois Purchased
24 Care Review Board shall consist of the following persons, or
25 their designees: the Directors of Children and Family Services,
26 Public Health, Public Aid, and the Governor's Office of

1 Management and Budget; the Secretary of Human Services; the
2 State Superintendent of Education; and such other persons as
3 the Governor may designate. The Review Board shall also consist
4 of one non-voting member who is an administrator of a private,
5 nonpublic, special education school. The Review Board shall
6 establish rules and regulations for its determination of
7 allowable costs and payments made by local school districts for
8 special education, room and board, and other related services
9 provided by non-public schools or special education facilities
10 and shall establish uniform standards and criteria which it
11 shall follow. The Review Board shall approve the usual and
12 customary rate or rates of a special education program that (i)
13 is offered by an out-of-state, non-public provider of
14 integrated autism specific educational and autism specific
15 residential services, (ii) offers 2 or more levels of
16 residential care, including at least one locked facility, and
17 (iii) serves 12 or fewer Illinois students.

18 The Review Board shall establish uniform definitions and
19 criteria for accounting separately by special education, room
20 and board and other related services costs. The Board shall
21 also establish guidelines for the coordination of services and
22 financial assistance provided by all State agencies to assure
23 that no otherwise qualified disabled child receiving services
24 under Article 14 shall be excluded from participation in, be
25 denied the benefits of or be subjected to discrimination under
26 any program or activity provided by any State agency.

1 The Review Board shall review the costs for special
2 education and related services provided by non-public schools
3 or special education facilities and shall approve or disapprove
4 such facilities in accordance with the rules and regulations
5 established by it with respect to allowable costs.

6 The State Board of Education shall provide administrative
7 and staff support for the Review Board as deemed reasonable by
8 the State Superintendent of Education. This support shall not
9 include travel expenses or other compensation for any Review
10 Board member other than the State Superintendent of Education.

11 The Review Board shall seek the advice of the Advisory
12 Council on Education of Children with Disabilities on the rules
13 and regulations to be promulgated by it relative to providing
14 special education services.

15 If a child has been placed in a program in which the actual
16 per pupil costs of tuition for special education and related
17 services based on program enrollment, excluding room, board and
18 transportation costs, exceed \$4,500 and such costs have been
19 approved by the Review Board, the district shall pay such total
20 costs which exceed \$4,500. A district making such tuition
21 payments in excess of \$4,500 pursuant to this Section shall be
22 responsible for an amount in excess of \$4,500 equal to the
23 district per capita tuition charge and shall be eligible for
24 reimbursement from the State for the amount of such payments
25 actually made in excess of the districts per capita tuition
26 charge for students not receiving special education services.

1 If a child has been placed in an approved individual
2 program and the tuition costs including room and board costs
3 have been approved by the Review Board, then such room and
4 board costs shall be paid by the appropriate State agency
5 subject to the provisions of Section 14-8.01 of this Act. Room
6 and board costs not provided by a State agency other than the
7 State Board of Education shall be provided by the State Board
8 of Education on a current basis. In no event, however, shall
9 the State's liability for funding of these tuition costs begin
10 until after the legal obligations of third party payors have
11 been subtracted from such costs. If the money appropriated by
12 the General Assembly for such purpose for any year is
13 insufficient, it shall be apportioned on the basis of the
14 claims approved. Each district shall submit estimated claims to
15 the State Superintendent of Education. Upon approval of such
16 claims, the State Superintendent of Education shall direct the
17 State Comptroller to make payments on a monthly basis. The
18 frequency for submitting estimated claims and the method of
19 determining payment shall be prescribed in rules and
20 regulations adopted by the State Board of Education. Such
21 current state reimbursement shall be reduced by an amount equal
22 to the proceeds which the child or child's parents are eligible
23 to receive under any public or private insurance or assistance
24 program. Nothing in this Section shall be construed as
25 relieving an insurer or similar third party from an otherwise
26 valid obligation to provide or to pay for services provided to

1 a disabled child.

2 If it otherwise qualifies, a school district is eligible
3 for the transportation reimbursement under Section 14-13.01
4 and for the reimbursement of tuition payments under this
5 Section whether the non-public school or special education
6 facility, public out-of-state school or county special
7 education facility, attended by a child who resides in that
8 district and requires special educational services, is within
9 or outside of the State of Illinois. However, a district is not
10 eligible to claim transportation reimbursement under this
11 Section unless the district certifies to the State
12 Superintendent of Education that the district is unable to
13 provide special educational services required by the child for
14 the current school year.

15 Nothing in this Section authorizes the reimbursement of a
16 school district for the amount paid for tuition of a child
17 attending a non-public school or special education facility,
18 public out-of-state school or county special education
19 facility unless the school district certifies to the State
20 Superintendent of Education that the special education program
21 of that district is unable to meet the needs of that child
22 because of his disability and the State Superintendent of
23 Education finds that the school district is in substantial
24 compliance with Section 14-4.01. However, if a child is
25 unilaterally placed by a State agency or any court in a
26 non-public school or special education facility, public

1 out-of-state school, or county special education facility, a
2 school district shall not be required to certify to the State
3 Superintendent of Education, for the purpose of tuition
4 reimbursement, that the special education program of that
5 district is unable to meet the needs of a child because of his
6 or her disability.

7 Any educational or related services provided, pursuant to
8 this Section in a non-public school or special education
9 facility or a special education facility owned and operated by
10 a county government unit shall be at no cost to the parent or
11 guardian of the child. However, current law and practices
12 relative to contributions by parents or guardians for costs
13 other than educational or related services are not affected by
14 this amendatory Act of 1978.

15 Reimbursement for children attending public school
16 residential facilities shall be made in accordance with the
17 provisions of this Section.

18 Notwithstanding any other provision of law, any school
19 district receiving a payment under this Section or under
20 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify
21 all or a portion of the funds that it receives in a particular
22 fiscal year or from general State aid pursuant to Section
23 18-8.05 of this Code as funds received in connection with any
24 funding program for which it is entitled to receive funds from
25 the State in that fiscal year (including, without limitation,
26 any funding program referenced in this Section), regardless of

1 the source or timing of the receipt. The district may not
2 classify more funds as funds received in connection with the
3 funding program than the district is entitled to receive in
4 that fiscal year for that program. Any classification by a
5 district must be made by a resolution of its board of
6 education. The resolution must identify the amount of any
7 payments or general State aid to be classified under this
8 paragraph and must specify the funding program to which the
9 funds are to be treated as received in connection therewith.
10 This resolution is controlling as to the classification of
11 funds referenced therein. A certified copy of the resolution
12 must be sent to the State Superintendent of Education. The
13 resolution shall still take effect even though a copy of the
14 resolution has not been sent to the State Superintendent of
15 Education in a timely manner. No classification under this
16 paragraph by a district shall affect the total amount or timing
17 of money the district is entitled to receive under this Code.
18 No classification under this paragraph by a district shall in
19 any way relieve the district from or affect any requirements
20 that otherwise would apply with respect to that funding
21 program, including any accounting of funds by source, reporting
22 expenditures by original source and purpose, reporting
23 requirements, or requirements of providing services.

24 (Source: P.A. 98-636, eff. 6-6-14; 98-1008, eff. 1-1-15;
25 revised 10-1-14.)

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
26 valuation by the debt limitation percentage in effect on

1 January 1, 1979, previous to the incurring of such
2 indebtedness.

3 No partial elementary unit district, as defined in Article
4 11E of this Code, shall become indebted in any manner or for
5 any purpose in an amount, including existing indebtedness, in
6 the aggregate exceeding 6.9% of the value of the taxable
7 property of the entire district, to be ascertained by the last
8 assessment for State and county taxes, plus an amount,
9 including existing indebtedness, in the aggregate exceeding
10 6.9% of the value of the taxable property of that portion of
11 the district included in the elementary and high school
12 classification, to be ascertained by the last assessment for
13 State and county taxes. Moreover, no partial elementary unit
14 district, as defined in Article 11E of this Code, shall become
15 indebted on account of bonds issued by the district for high
16 school purposes in the aggregate exceeding 6.9% of the value of
17 the taxable property of the entire district, to be ascertained
18 by the last assessment for State and county taxes, nor shall
19 the district become indebted on account of bonds issued by the
20 district for elementary purposes in the aggregate exceeding
21 6.9% of the value of the taxable property for that portion of
22 the district included in the elementary and high school
23 classification, to be ascertained by the last assessment for
24 State and county taxes.

25 Notwithstanding the provisions of any other law to the
26 contrary, in any case in which the voters of a school district

1 have approved a proposition for the issuance of bonds of such
2 school district at an election held prior to January 1, 1979,
3 and all of the bonds approved at such election have not been
4 issued, the debt limitation applicable to such school district
5 during the calendar year 1979 shall be computed by multiplying
6 the value of taxable property therein, including personal
7 property, as ascertained by the last assessment for State and
8 county taxes, previous to the incurring of such indebtedness,
9 by the percentage limitation applicable to such school district
10 under the provisions of this subsection (a).

11 (b) Notwithstanding the debt limitation prescribed in
12 subsection (a) of this Section, additional indebtedness may be
13 incurred in an amount not to exceed the estimated cost of
14 acquiring or improving school sites or constructing and
15 equipping additional building facilities under the following
16 conditions:

17 (1) Whenever the enrollment of students for the next
18 school year is estimated by the board of education to
19 increase over the actual present enrollment by not less
20 than 35% or by not less than 200 students or the actual
21 present enrollment of students has increased over the
22 previous school year by not less than 35% or by not less
23 than 200 students and the board of education determines
24 that additional school sites or building facilities are
25 required as a result of such increase in enrollment; and

26 (2) When the Regional Superintendent of Schools having

1 jurisdiction over the school district and the State
2 Superintendent of Education concur in such enrollment
3 projection or increase and approve the need for such
4 additional school sites or building facilities and the
5 estimated cost thereof; and

6 (3) When the voters in the school district approve a
7 proposition for the issuance of bonds for the purpose of
8 acquiring or improving such needed school sites or
9 constructing and equipping such needed additional building
10 facilities at an election called and held for that purpose.
11 Notice of such an election shall state that the amount of
12 indebtedness proposed to be incurred would exceed the debt
13 limitation otherwise applicable to the school district.
14 The ballot for such proposition shall state what percentage
15 of the equalized assessed valuation will be outstanding in
16 bonds if the proposed issuance of bonds is approved by the
17 voters; or

18 (4) Notwithstanding the provisions of paragraphs (1)
19 through (3) of this subsection (b), if the school board
20 determines that additional facilities are needed to
21 provide a quality educational program and not less than 2/3
22 of those voting in an election called by the school board
23 on the question approve the issuance of bonds for the
24 construction of such facilities, the school district may
25 issue bonds for this purpose; or

26 (5) Notwithstanding the provisions of paragraphs (1)

1 through (3) of this subsection (b), if (i) the school
2 district has previously availed itself of the provisions of
3 paragraph (4) of this subsection (b) to enable it to issue
4 bonds, (ii) the voters of the school district have not
5 defeated a proposition for the issuance of bonds since the
6 referendum described in paragraph (4) of this subsection
7 (b) was held, (iii) the school board determines that
8 additional facilities are needed to provide a quality
9 educational program, and (iv) a majority of those voting in
10 an election called by the school board on the question
11 approve the issuance of bonds for the construction of such
12 facilities, the school district may issue bonds for this
13 purpose.

14 In no event shall the indebtedness incurred pursuant to
15 this subsection (b) and the existing indebtedness of the school
16 district exceed 15% of the value of the taxable property
17 therein to be ascertained by the last assessment for State and
18 county taxes, previous to the incurring of such indebtedness
19 or, until January 1, 1983, if greater, the sum that is produced
20 by multiplying the school district's 1978 equalized assessed
21 valuation by the debt limitation percentage in effect on
22 January 1, 1979.

23 The indebtedness provided for by this subsection (b) shall
24 be in addition to and in excess of any other debt limitation.

25 (c) Notwithstanding the debt limitation prescribed in
26 subsection (a) of this Section, in any case in which a public

1 question for the issuance of bonds of a proposed school
2 district maintaining grades kindergarten through 12 received
3 at least 60% of the valid ballots cast on the question at an
4 election held on or prior to November 8, 1994, and in which the
5 bonds approved at such election have not been issued, the
6 school district pursuant to the requirements of Section 11A-10
7 (now repealed) may issue the total amount of bonds approved at
8 such election for the purpose stated in the question.

9 (d) Notwithstanding the debt limitation prescribed in
10 subsection (a) of this Section, a school district that meets
11 all the criteria set forth in paragraphs (1) and (2) of this
12 subsection (d) may incur an additional indebtedness in an
13 amount not to exceed \$4,500,000, even though the amount of the
14 additional indebtedness authorized by this subsection (d),
15 when incurred and added to the aggregate amount of indebtedness
16 of the district existing immediately prior to the district
17 incurring the additional indebtedness authorized by this
18 subsection (d), causes the aggregate indebtedness of the
19 district to exceed the debt limitation otherwise applicable to
20 that district under subsection (a):

21 (1) The additional indebtedness authorized by this
22 subsection (d) is incurred by the school district through
23 the issuance of bonds under and in accordance with Section
24 17-2.11a for the purpose of replacing a school building
25 which, because of mine subsidence damage, has been closed
26 as provided in paragraph (2) of this subsection (d) or

1 through the issuance of bonds under and in accordance with
2 Section 19-3 for the purpose of increasing the size of, or
3 providing for additional functions in, such replacement
4 school buildings, or both such purposes.

5 (2) The bonds issued by the school district as provided
6 in paragraph (1) above are issued for the purposes of
7 construction by the school district of a new school
8 building pursuant to Section 17-2.11, to replace an
9 existing school building that, because of mine subsidence
10 damage, is closed as of the end of the 1992-93 school year
11 pursuant to action of the regional superintendent of
12 schools of the educational service region in which the
13 district is located under Section 3-14.22 or are issued for
14 the purpose of increasing the size of, or providing for
15 additional functions in, the new school building being
16 constructed to replace a school building closed as the
17 result of mine subsidence damage, or both such purposes.

18 (e) (Blank).

19 (f) Notwithstanding the provisions of subsection (a) of
20 this Section or of any other law, bonds in not to exceed the
21 aggregate amount of \$5,500,000 and issued by a school district
22 meeting the following criteria shall not be considered
23 indebtedness for purposes of any statutory limitation and may
24 be issued in an amount or amounts, including existing
25 indebtedness, in excess of any heretofore or hereafter imposed
26 statutory limitation as to indebtedness:

1 (1) At the time of the sale of such bonds, the board of
2 education of the district shall have determined by
3 resolution that the enrollment of students in the district
4 is projected to increase by not less than 7% during each of
5 the next succeeding 2 school years.

6 (2) The board of education shall also determine by
7 resolution that the improvements to be financed with the
8 proceeds of the bonds are needed because of the projected
9 enrollment increases.

10 (3) The board of education shall also determine by
11 resolution that the projected increases in enrollment are
12 the result of improvements made or expected to be made to
13 passenger rail facilities located in the school district.

14 Notwithstanding the provisions of subsection (a) of this
15 Section or of any other law, a school district that has availed
16 itself of the provisions of this subsection (f) prior to July
17 22, 2004 (the effective date of Public Act 93-799) may also
18 issue bonds approved by referendum up to an amount, including
19 existing indebtedness, not exceeding 25% of the equalized
20 assessed value of the taxable property in the district if all
21 of the conditions set forth in items (1), (2), and (3) of this
22 subsection (f) are met.

23 (g) Notwithstanding the provisions of subsection (a) of
24 this Section or any other law, bonds in not to exceed an
25 aggregate amount of 25% of the equalized assessed value of the
26 taxable property of a school district and issued by a school

1 district meeting the criteria in paragraphs (i) through (iv) of
2 this subsection shall not be considered indebtedness for
3 purposes of any statutory limitation and may be issued pursuant
4 to resolution of the school board in an amount or amounts,
5 including existing indebtedness, in excess of any statutory
6 limitation of indebtedness heretofore or hereafter imposed:

7 (i) The bonds are issued for the purpose of
8 constructing a new high school building to replace two
9 adjacent existing buildings which together house a single
10 high school, each of which is more than 65 years old, and
11 which together are located on more than 10 acres and less
12 than 11 acres of property.

13 (ii) At the time the resolution authorizing the
14 issuance of the bonds is adopted, the cost of constructing
15 a new school building to replace the existing school
16 building is less than 60% of the cost of repairing the
17 existing school building.

18 (iii) The sale of the bonds occurs before July 1, 1997.

19 (iv) The school district issuing the bonds is a unit
20 school district located in a county of less than 70,000 and
21 more than 50,000 inhabitants, which has an average daily
22 attendance of less than 1,500 and an equalized assessed
23 valuation of less than \$29,000,000.

24 (h) Notwithstanding any other provisions of this Section or
25 the provisions of any other law, until January 1, 1998, a
26 community unit school district maintaining grades K through 12

1 may issue bonds up to an amount, including existing
2 indebtedness, not exceeding 27.6% of the equalized assessed
3 value of the taxable property in the district, if all of the
4 following conditions are met:

5 (i) The school district has an equalized assessed
6 valuation for calendar year 1995 of less than \$24,000,000;

7 (ii) The bonds are issued for the capital improvement,
8 renovation, rehabilitation, or replacement of existing
9 school buildings of the district, all of which buildings
10 were originally constructed not less than 40 years ago;

11 (iii) The voters of the district approve a proposition
12 for the issuance of the bonds at a referendum held after
13 March 19, 1996; and

14 (iv) The bonds are issued pursuant to Sections 19-2
15 through 19-7 of this Code.

16 (i) Notwithstanding any other provisions of this Section or
17 the provisions of any other law, until January 1, 1998, a
18 community unit school district maintaining grades K through 12
19 may issue bonds up to an amount, including existing
20 indebtedness, not exceeding 27% of the equalized assessed value
21 of the taxable property in the district, if all of the
22 following conditions are met:

23 (i) The school district has an equalized assessed
24 valuation for calendar year 1995 of less than \$44,600,000;

25 (ii) The bonds are issued for the capital improvement,
26 renovation, rehabilitation, or replacement of existing

1 school buildings of the district, all of which existing
2 buildings were originally constructed not less than 80
3 years ago;

4 (iii) The voters of the district approve a proposition
5 for the issuance of the bonds at a referendum held after
6 December 31, 1996; and

7 (iv) The bonds are issued pursuant to Sections 19-2
8 through 19-7 of this Code.

9 (j) Notwithstanding any other provisions of this Section or
10 the provisions of any other law, until January 1, 1999, a
11 community unit school district maintaining grades K through 12
12 may issue bonds up to an amount, including existing
13 indebtedness, not exceeding 27% of the equalized assessed value
14 of the taxable property in the district if all of the following
15 conditions are met:

16 (i) The school district has an equalized assessed
17 valuation for calendar year 1995 of less than \$140,000,000
18 and a best 3 months average daily attendance for the
19 1995-96 school year of at least 2,800;

20 (ii) The bonds are issued to purchase a site and build
21 and equip a new high school, and the school district's
22 existing high school was originally constructed not less
23 than 35 years prior to the sale of the bonds;

24 (iii) At the time of the sale of the bonds, the board
25 of education determines by resolution that a new high
26 school is needed because of projected enrollment

1 increases;

2 (iv) At least 60% of those voting in an election held
3 after December 31, 1996 approve a proposition for the
4 issuance of the bonds; and

5 (v) The bonds are issued pursuant to Sections 19-2
6 through 19-7 of this Code.

7 (k) Notwithstanding the debt limitation prescribed in
8 subsection (a) of this Section, a school district that meets
9 all the criteria set forth in paragraphs (1) through (4) of
10 this subsection (k) may issue bonds to incur an additional
11 indebtedness in an amount not to exceed \$4,000,000 even though
12 the amount of the additional indebtedness authorized by this
13 subsection (k), when incurred and added to the aggregate amount
14 of indebtedness of the school district existing immediately
15 prior to the school district incurring such additional
16 indebtedness, causes the aggregate indebtedness of the school
17 district to exceed or increases the amount by which the
18 aggregate indebtedness of the district already exceeds the debt
19 limitation otherwise applicable to that school district under
20 subsection (a):

21 (1) the school district is located in 2 counties, and a
22 referendum to authorize the additional indebtedness was
23 approved by a majority of the voters of the school district
24 voting on the proposition to authorize that indebtedness;

25 (2) the additional indebtedness is for the purpose of
26 financing a multi-purpose room addition to the existing

1 high school;

2 (3) the additional indebtedness, together with the
3 existing indebtedness of the school district, shall not
4 exceed 17.4% of the value of the taxable property in the
5 school district, to be ascertained by the last assessment
6 for State and county taxes; and

7 (4) the bonds evidencing the additional indebtedness
8 are issued, if at all, within 120 days of the effective
9 date of this amendatory Act of 1998.

10 (1) Notwithstanding any other provisions of this Section or
11 the provisions of any other law, until January 1, 2000, a
12 school district maintaining grades kindergarten through 8 may
13 issue bonds up to an amount, including existing indebtedness,
14 not exceeding 15% of the equalized assessed value of the
15 taxable property in the district if all of the following
16 conditions are met:

17 (i) the district has an equalized assessed valuation
18 for calendar year 1996 of less than \$10,000,000;

19 (ii) the bonds are issued for capital improvement,
20 renovation, rehabilitation, or replacement of one or more
21 school buildings of the district, which buildings were
22 originally constructed not less than 70 years ago;

23 (iii) the voters of the district approve a proposition
24 for the issuance of the bonds at a referendum held on or
25 after March 17, 1998; and

26 (iv) the bonds are issued pursuant to Sections 19-2

1 through 19-7 of this Code.

2 (m) Notwithstanding any other provisions of this Section or
3 the provisions of any other law, until January 1, 1999, an
4 elementary school district maintaining grades K through 8 may
5 issue bonds up to an amount, excluding existing indebtedness,
6 not exceeding 18% of the equalized assessed value of the
7 taxable property in the district, if all of the following
8 conditions are met:

9 (i) The school district has an equalized assessed
10 valuation for calendar year 1995 or less than \$7,700,000;

11 (ii) The school district operates 2 elementary
12 attendance centers that until 1976 were operated as the
13 attendance centers of 2 separate and distinct school
14 districts;

15 (iii) The bonds are issued for the construction of a
16 new elementary school building to replace an existing
17 multi-level elementary school building of the school
18 district that is not handicapped accessible at all levels
19 and parts of which were constructed more than 75 years ago;

20 (iv) The voters of the school district approve a
21 proposition for the issuance of the bonds at a referendum
22 held after July 1, 1998; and

23 (v) The bonds are issued pursuant to Sections 19-2
24 through 19-7 of this Code.

25 (n) Notwithstanding the debt limitation prescribed in
26 subsection (a) of this Section or any other provisions of this

1 Section or of any other law, a school district that meets all
2 of the criteria set forth in paragraphs (i) through (vi) of
3 this subsection (n) may incur additional indebtedness by the
4 issuance of bonds in an amount not exceeding the amount
5 certified by the Capital Development Board to the school
6 district as provided in paragraph (iii) of this subsection (n),
7 even though the amount of the additional indebtedness so
8 authorized, when incurred and added to the aggregate amount of
9 indebtedness of the district existing immediately prior to the
10 district incurring the additional indebtedness authorized by
11 this subsection (n), causes the aggregate indebtedness of the
12 district to exceed the debt limitation otherwise applicable by
13 law to that district:

14 (i) The school district applies to the State Board of
15 Education for a school construction project grant and
16 submits a district facilities plan in support of its
17 application pursuant to Section 5-20 of the School
18 Construction Law.

19 (ii) The school district's application and facilities
20 plan are approved by, and the district receives a grant
21 entitlement for a school construction project issued by,
22 the State Board of Education under the School Construction
23 Law.

24 (iii) The school district has exhausted its bonding
25 capacity or the unused bonding capacity of the district is
26 less than the amount certified by the Capital Development

1 Board to the district under Section 5-15 of the School
2 Construction Law as the dollar amount of the school
3 construction project's cost that the district will be
4 required to finance with non-grant funds in order to
5 receive a school construction project grant under the
6 School Construction Law.

7 (iv) The bonds are issued for a "school construction
8 project", as that term is defined in Section 5-5 of the
9 School Construction Law, in an amount that does not exceed
10 the dollar amount certified, as provided in paragraph (iii)
11 of this subsection (n), by the Capital Development Board to
12 the school district under Section 5-15 of the School
13 Construction Law.

14 (v) The voters of the district approve a proposition
15 for the issuance of the bonds at a referendum held after
16 the criteria specified in paragraphs (i) and (iii) of this
17 subsection (n) are met.

18 (vi) The bonds are issued pursuant to Sections 19-2
19 through 19-7 of the School Code.

20 (o) Notwithstanding any other provisions of this Section or
21 the provisions of any other law, until November 1, 2007, a
22 community unit school district maintaining grades K through 12
23 may issue bonds up to an amount, including existing
24 indebtedness, not exceeding 20% of the equalized assessed value
25 of the taxable property in the district if all of the following
26 conditions are met:

1 (i) the school district has an equalized assessed
2 valuation for calendar year 2001 of at least \$737,000,000
3 and an enrollment for the 2002-2003 school year of at least
4 8,500;

5 (ii) the bonds are issued to purchase school sites,
6 build and equip a new high school, build and equip a new
7 junior high school, build and equip 5 new elementary
8 schools, and make technology and other improvements and
9 additions to existing schools;

10 (iii) at the time of the sale of the bonds, the board
11 of education determines by resolution that the sites and
12 new or improved facilities are needed because of projected
13 enrollment increases;

14 (iv) at least 57% of those voting in a general election
15 held prior to January 1, 2003 approved a proposition for
16 the issuance of the bonds; and

17 (v) the bonds are issued pursuant to Sections 19-2
18 through 19-7 of this Code.

19 (p) Notwithstanding any other provisions of this Section or
20 the provisions of any other law, a community unit school
21 district maintaining grades K through 12 may issue bonds up to
22 an amount, including indebtedness, not exceeding 27% of the
23 equalized assessed value of the taxable property in the
24 district if all of the following conditions are met:

25 (i) The school district has an equalized assessed
26 valuation for calendar year 2001 of at least \$295,741,187

1 and a best 3 months' average daily attendance for the
2 2002-2003 school year of at least 2,394.

3 (ii) The bonds are issued to build and equip 3
4 elementary school buildings; build and equip one middle
5 school building; and alter, repair, improve, and equip all
6 existing school buildings in the district.

7 (iii) At the time of the sale of the bonds, the board
8 of education determines by resolution that the project is
9 needed because of expanding growth in the school district
10 and a projected enrollment increase.

11 (iv) The bonds are issued pursuant to Sections 19-2
12 through 19-7 of this Code.

13 (p-5) Notwithstanding any other provisions of this Section
14 or the provisions of any other law, bonds issued by a community
15 unit school district maintaining grades K through 12 shall not
16 be considered indebtedness for purposes of any statutory
17 limitation and may be issued in an amount or amounts, including
18 existing indebtedness, in excess of any heretofore or hereafter
19 imposed statutory limitation as to indebtedness, if all of the
20 following conditions are met:

21 (i) For each of the 4 most recent years, residential
22 property comprises more than 80% of the equalized assessed
23 valuation of the district.

24 (ii) At least 2 school buildings that were constructed
25 40 or more years prior to the issuance of the bonds will be
26 demolished and will be replaced by new buildings or

1 additions to one or more existing buildings.

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 new buildings or
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 25% 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-10) Notwithstanding any other provisions of this
15 Section or the provisions of any other law, bonds issued by a
16 community consolidated school district maintaining grades K
17 through 8 shall not be considered indebtedness for purposes of
18 any statutory limitation and may be issued in an amount or
19 amounts, including existing indebtedness, in excess of any
20 heretofore or hereafter imposed statutory limitation as to
21 indebtedness, if all of the following conditions are met:

22 (i) For each of the 4 most recent years, residential
23 and farm property comprises more than 80% of the equalized
24 assessed valuation of the district.

25 (ii) The bond proceeds are to be used to acquire and
26 improve school sites and build and equip a school building.

1 (iii) Voters of the district approve a proposition for
2 the issuance of the bonds at a regularly scheduled
3 election.

4 (iv) At the time of the sale of the bonds, the school
5 board determines by resolution that the school sites and
6 building additions are needed because of an increase in
7 enrollment projected by the school board.

8 (v) The principal amount of the bonds, including
9 existing indebtedness, does not exceed 20% of the equalized
10 assessed value of the taxable property in the district.

11 (vi) The bonds are issued prior to January 1, 2007,
12 pursuant to Sections 19-2 through 19-7 of this Code.

13 (p-15) In addition to all other authority to issue bonds,
14 the Oswego Community Unit School District Number 308 may issue
15 bonds with an aggregate principal amount not to exceed
16 \$450,000,000, but only if all of the following conditions are
17 met:

18 (i) The voters of the district have approved a
19 proposition for the bond issue at the general election held
20 on November 7, 2006.

21 (ii) At the time of the sale of the bonds, the school
22 board determines, by resolution, that: (A) the building and
23 equipping of the new high school building, new junior high
24 school buildings, new elementary school buildings, early
25 childhood building, maintenance building, transportation
26 facility, and additions to existing school buildings, the

1 altering, repairing, equipping, and provision of
2 technology improvements to existing school buildings, and
3 the acquisition and improvement of school sites, as the
4 case may be, are required as a result of a projected
5 increase in the enrollment of students in the district; and
6 (B) the sale of bonds for these purposes is authorized by
7 legislation that exempts the debt incurred on the bonds
8 from the district's statutory debt limitation.

9 (iii) The bonds are issued, in one or more bond issues,
10 on or before November 7, 2011, but the aggregate principal
11 amount issued in all such bond issues combined must not
12 exceed \$450,000,000.

13 (iv) The bonds are issued in accordance with this
14 Article 19.

15 (v) The proceeds of the bonds are used only to
16 accomplish those projects approved by the voters at the
17 general election held on November 7, 2006.

18 The debt incurred on any bonds issued under this subsection
19 (p-15) shall not be considered indebtedness for purposes of any
20 statutory debt limitation.

21 (p-20) In addition to all other authority to issue bonds,
22 the Lincoln-Way Community High School District Number 210 may
23 issue bonds with an aggregate principal amount not to exceed
24 \$225,000,000, but only if all of the following conditions are
25 met:

26 (i) The voters of the district have approved a

1 proposition for the bond issue at the general primary
2 election held on March 21, 2006.

3 (ii) At the time of the sale of the bonds, the school
4 board determines, by resolution, that: (A) the building and
5 equipping of the new high school buildings, the altering,
6 repairing, and equipping of existing school buildings, and
7 the improvement of school sites, as the case may be, are
8 required as a result of a projected increase in the
9 enrollment of students in the district; and (B) the sale of
10 bonds for these purposes is authorized by legislation that
11 exempts the debt incurred on the bonds from the district's
12 statutory debt limitation.

13 (iii) The bonds are issued, in one or more bond issues,
14 on or before March 21, 2011, but the aggregate principal
15 amount issued in all such bond issues combined must not
16 exceed \$225,000,000.

17 (iv) The bonds are issued in accordance with this
18 Article 19.

19 (v) The proceeds of the bonds are used only to
20 accomplish those projects approved by the voters at the
21 primary election held on March 21, 2006.

22 The debt incurred on any bonds issued under this subsection
23 (p-20) shall not be considered indebtedness for purposes of any
24 statutory debt limitation.

25 (p-25) In addition to all other authority to issue bonds,
26 Rochester Community Unit School District 3A may issue bonds

1 with an aggregate principal amount not to exceed \$18,500,000,
2 but only if all of the following conditions are met:

3 (i) The voters of the district approve a proposition
4 for the bond issuance at the general primary election held
5 in 2008.

6 (ii) At the time of the sale of the bonds, the school
7 board determines, by resolution, that: (A) the building and
8 equipping of a new high school building; the addition of
9 classrooms and support facilities at the high school,
10 middle school, and elementary school; the altering,
11 repairing, and equipping of existing school buildings; and
12 the improvement of school sites, as the case may be, are
13 required as a result of a projected increase in the
14 enrollment of students in the district; and (B) the sale of
15 bonds for these purposes is authorized by a law that
16 exempts the debt incurred on the bonds from the district's
17 statutory debt limitation.

18 (iii) The bonds are issued, in one or more bond issues,
19 on or before December 31, 2012, but the aggregate principal
20 amount issued in all such bond issues combined must not
21 exceed \$18,500,000.

22 (iv) The bonds are issued in accordance with this
23 Article 19.

24 (v) The proceeds of the bonds are used to accomplish
25 only those projects approved by the voters at the primary
26 election held in 2008.

1 The debt incurred on any bonds issued under this subsection
2 (p-25) shall not be considered indebtedness for purposes of any
3 statutory debt limitation.

4 (p-30) In addition to all other authority to issue bonds,
5 Prairie Grove Consolidated School District 46 may issue bonds
6 with an aggregate principal amount not to exceed \$30,000,000,
7 but only if all of the following conditions are met:

8 (i) The voters of the district approve a proposition
9 for the bond issuance at an election held in 2008.

10 (ii) At the time of the sale of the bonds, the school
11 board determines, by resolution, that (A) the building and
12 equipping of a new school building and additions to
13 existing school buildings are required as a result of a
14 projected increase in the enrollment of students in the
15 district and (B) the altering, repairing, and equipping of
16 existing school buildings are required because of the age
17 of the existing school buildings.

18 (iii) The bonds are issued, in one or more bond
19 issuances, on or before December 31, 2012; however, the
20 aggregate principal amount issued in all such bond
21 issuances combined must not exceed \$30,000,000.

22 (iv) The bonds are issued in accordance with this
23 Article.

24 (v) The proceeds of the bonds are used to accomplish
25 only those projects approved by the voters at an election
26 held in 2008.

1 The debt incurred on any bonds issued under this subsection
2 (p-30) shall not be considered indebtedness for purposes of any
3 statutory debt limitation.

4 (p-35) In addition to all other authority to issue bonds,
5 Prairie Hill Community Consolidated School District 133 may
6 issue bonds with an aggregate principal amount not to exceed
7 \$13,900,000, but only if all of the following conditions are
8 met:

9 (i) The voters of the district approved a proposition
10 for the bond issuance at an election held on April 17,
11 2007.

12 (ii) At the time of the sale of the bonds, the school
13 board determines, by resolution, that (A) the improvement
14 of the site of and the building and equipping of a school
15 building are required as a result of a projected increase
16 in the enrollment of students in the district and (B) the
17 repairing and equipping of the Prairie Hill Elementary
18 School building is required because of the age of that
19 school building.

20 (iii) The bonds are issued, in one or more bond
21 issuances, on or before December 31, 2011, but the
22 aggregate principal amount issued in all such bond
23 issuances combined must not exceed \$13,900,000.

24 (iv) The bonds are issued in accordance with this
25 Article.

26 (v) The proceeds of the bonds are used to accomplish

1 only those projects approved by the voters at an election
2 held on April 17, 2007.

3 The debt incurred on any bonds issued under this subsection
4 (p-35) shall not be considered indebtedness for purposes of any
5 statutory debt limitation.

6 (p-40) In addition to all other authority to issue bonds,
7 Mascoutah Community Unit District 19 may issue bonds with an
8 aggregate principal amount not to exceed \$55,000,000, but only
9 if all of the following conditions are met:

10 (1) The voters of the district approve a proposition
11 for the bond issuance at a regular election held on or
12 after November 4, 2008.

13 (2) At the time of the sale of the bonds, the school
14 board determines, by resolution, that (i) the building and
15 equipping of a new high school building is required as a
16 result of a projected increase in the enrollment of
17 students in the district and the age and condition of the
18 existing high school building, (ii) the existing high
19 school building will be demolished, and (iii) the sale of
20 bonds is authorized by statute that exempts the debt
21 incurred on the bonds from the district's statutory debt
22 limitation.

23 (3) The bonds are issued, in one or more bond
24 issuances, on or before December 31, 2011, but the
25 aggregate principal amount issued in all such bond
26 issuances combined must not exceed \$55,000,000.

1 (4) The bonds are issued in accordance with this
2 Article.

3 (5) The proceeds of the bonds are used to accomplish
4 only those projects approved by the voters at a regular
5 election held on or after November 4, 2008.

6 The debt incurred on any bonds issued under this subsection
7 (p-40) shall not be considered indebtedness for purposes of any
8 statutory debt limitation.

9 (p-45) Notwithstanding the provisions of subsection (a) of
10 this Section or of any other law, bonds issued pursuant to
11 Section 19-3.5 of this Code shall not be considered
12 indebtedness for purposes of any statutory limitation if the
13 bonds are issued in an amount or amounts, including existing
14 indebtedness of the school district, not in excess of 18.5% of
15 the value of the taxable property in the district to be
16 ascertained by the last assessment for State and county taxes.

17 (p-50) Notwithstanding the provisions of subsection (a) of
18 this Section or of any other law, bonds issued pursuant to
19 Section 19-3.10 of this Code shall not be considered
20 indebtedness for purposes of any statutory limitation if the
21 bonds are issued in an amount or amounts, including existing
22 indebtedness of the school district, not in excess of 43% of
23 the value of the taxable property in the district to be
24 ascertained by the last assessment for State and county taxes.

25 (p-55) In addition to all other authority to issue bonds,
26 Belle Valley School District 119 may issue bonds with an

1 aggregate principal amount not to exceed \$47,500,000, but only
2 if all of the following conditions are met:

3 (1) The voters of the district approve a proposition
4 for the bond issuance at an election held on or after April
5 7, 2009.

6 (2) Prior to the issuance of the bonds, the school
7 board determines, by resolution, that (i) the building and
8 equipping of a new school building is required as a result
9 of mine subsidence in an existing school building and
10 because of the age and condition of another existing school
11 building and (ii) the issuance of bonds is authorized by
12 statute that exempts the debt incurred on the bonds from
13 the district's statutory debt limitation.

14 (3) The bonds are issued, in one or more bond
15 issuances, on or before March 31, 2014, but the aggregate
16 principal amount issued in all such bond issuances combined
17 must not exceed \$47,500,000.

18 (4) The bonds are issued in accordance with this
19 Article.

20 (5) The proceeds of the bonds are used to accomplish
21 only those projects approved by the voters at an election
22 held on or after April 7, 2009.

23 The debt incurred on any bonds issued under this subsection
24 (p-55) shall not be considered indebtedness for purposes of any
25 statutory debt limitation. Bonds issued under this subsection
26 (p-55) must mature within not to exceed 30 years from their

1 date, notwithstanding any other law to the contrary.

2 (p-60) In addition to all other authority to issue bonds,
3 Wilmington Community Unit School District Number 209-U may
4 issue bonds with an aggregate principal amount not to exceed
5 \$2,285,000, but only if all of the following conditions are
6 met:

7 (1) The proceeds of the bonds are used to accomplish
8 only those projects approved by the voters at the general
9 primary election held on March 21, 2006.

10 (2) Prior to the issuance of the bonds, the school
11 board determines, by resolution, that (i) the projects
12 approved by the voters were and are required because of the
13 age and condition of the school district's prior and
14 existing school buildings and (ii) the issuance of the
15 bonds is authorized by legislation that exempts the debt
16 incurred on the bonds from the district's statutory debt
17 limitation.

18 (3) The bonds are issued in one or more bond issuances
19 on or before March 1, 2011, but the aggregate principal
20 amount issued in all those bond issuances combined must not
21 exceed \$2,285,000.

22 (4) The bonds are issued in accordance with this
23 Article.

24 The debt incurred on any bonds issued under this subsection
25 (p-60) shall not be considered indebtedness for purposes of any
26 statutory debt limitation.

1 (p-65) In addition to all other authority to issue bonds,
2 West Washington County Community Unit School District 10 may
3 issue bonds with an aggregate principal amount not to exceed
4 \$32,200,000 and maturing over a period not exceeding 25 years,
5 but only if all of the following conditions are met:

6 (1) The voters of the district approve a proposition
7 for the bond issuance at an election held on or after
8 February 2, 2010.

9 (2) Prior to the issuance of the bonds, the school
10 board determines, by resolution, that (A) all or a portion
11 of the existing Okawville Junior/Senior High School
12 Building will be demolished; (B) the building and equipping
13 of a new school building to be attached to and the
14 alteration, repair, and equipping of the remaining portion
15 of the Okawville Junior/Senior High School Building is
16 required because of the age and current condition of that
17 school building; and (C) the issuance of bonds is
18 authorized by a statute that exempts the debt incurred on
19 the bonds from the district's statutory debt limitation.

20 (3) The bonds are issued, in one or more bond
21 issuances, on or before March 31, 2014, but the aggregate
22 principal amount issued in all such bond issuances combined
23 must not exceed \$32,200,000.

24 (4) The bonds are issued in accordance with this
25 Article.

26 (5) The proceeds of the bonds are used to accomplish

1 only those projects approved by the voters at an election
2 held on or after February 2, 2010.

3 The debt incurred on any bonds issued under this subsection
4 (p-65) shall not be considered indebtedness for purposes of any
5 statutory debt limitation.

6 (p-70) In addition to all other authority to issue bonds,
7 Cahokia Community Unit School District 187 may issue bonds with
8 an aggregate principal amount not to exceed \$50,000,000, but
9 only if all the following conditions are met:

10 (1) The voters of the district approve a proposition
11 for the bond issuance at an election held on or after
12 November 2, 2010.

13 (2) Prior to the issuance of the bonds, the school
14 board determines, by resolution, that (i) the building and
15 equipping of a new school building is required as a result
16 of the age and condition of an existing school building and
17 (ii) the issuance of bonds is authorized by a statute that
18 exempts the debt incurred on the bonds from the district's
19 statutory debt limitation.

20 (3) The bonds are issued, in one or more issuances, on
21 or before July 1, 2016, but the aggregate principal amount
22 issued in all such bond issuances combined must not exceed
23 \$50,000,000.

24 (4) The bonds are issued in accordance with this
25 Article.

26 (5) The proceeds of the bonds are used to accomplish

1 only those projects approved by the voters at an election
2 held on or after November 2, 2010.

3 The debt incurred on any bonds issued under this subsection
4 (p-70) shall not be considered indebtedness for purposes of any
5 statutory debt limitation. Bonds issued under this subsection
6 (p-70) must mature within not to exceed 25 years from their
7 date, notwithstanding any other law, including Section 19-3 of
8 this Code, to the contrary.

9 (p-75) Notwithstanding the debt limitation prescribed in
10 subsection (a) of this Section or any other provisions of this
11 Section or of any other law, the execution of leases on or
12 after January 1, 2007 and before July 1, 2011 by the Board of
13 Education of Peoria School District 150 with a public building
14 commission for leases entered into pursuant to the Public
15 Building Commission Act shall not be considered indebtedness
16 for purposes of any statutory debt limitation.

17 This subsection (p-75) applies only if the State Board of
18 Education or the Capital Development Board makes one or more
19 grants to Peoria School District 150 pursuant to the School
20 Construction Law. The amount exempted from the debt limitation
21 as prescribed in this subsection (p-75) shall be no greater
22 than the amount of one or more grants awarded to Peoria School
23 District 150 by the State Board of Education or the Capital
24 Development Board.

25 (p-80) In addition to all other authority to issue bonds,
26 Ridgeland School District 122 may issue bonds with an aggregate

1 principal amount not to exceed \$50,000,000 for the purpose of
2 refunding or continuing to refund bonds originally issued
3 pursuant to voter approval at the general election held on
4 November 7, 2000, and the debt incurred on any bonds issued
5 under this subsection (p-80) shall not be considered
6 indebtedness for purposes of any statutory debt limitation.
7 Bonds issued under this subsection (p-80) may be issued in one
8 or more issuances and must mature within not to exceed 25 years
9 from their date, notwithstanding any other law, including
10 Section 19-3 of this Code, to the contrary.

11 (p-85) In addition to all other authority to issue bonds,
12 Hall High School District 502 may issue bonds with an aggregate
13 principal amount not to exceed \$32,000,000, but only if all the
14 following conditions are met:

15 (1) The voters of the district approve a proposition
16 for the bond issuance at an election held on or after April
17 9, 2013.

18 (2) Prior to the issuance of the bonds, the school
19 board determines, by resolution, that (i) the building and
20 equipping of a new school building is required as a result
21 of the age and condition of an existing school building,
22 (ii) the existing school building should be demolished in
23 its entirety or the existing school building should be
24 demolished except for the 1914 west wing of the building,
25 and (iii) the issuance of bonds is authorized by a statute
26 that exempts the debt incurred on the bonds from the

1 district's statutory debt limitation.

2 (3) The bonds are issued, in one or more issuances, not
3 later than 5 years after the date of the referendum
4 approving the issuance of the bonds, but the aggregate
5 principal amount issued in all such bond issuances combined
6 must not exceed \$32,000,000.

7 (4) The bonds are issued in accordance with this
8 Article.

9 (5) The proceeds of the bonds are used to accomplish
10 only those projects approved by the voters at an election
11 held on or after April 9, 2013.

12 The debt incurred on any bonds issued under this subsection
13 (p-85) shall not be considered indebtedness for purposes of any
14 statutory debt limitation. Bonds issued under this subsection
15 (p-85) must mature within not to exceed 30 years from their
16 date, notwithstanding any other law, including Section 19-3 of
17 this Code, to the contrary.

18 (p-90) In addition to all other authority to issue bonds,
19 Lebanon Community Unit School District 9 may issue bonds with
20 an aggregate principal amount not to exceed \$7,500,000, but
21 only if all of the following conditions are met:

22 (1) The voters of the district approved a proposition
23 for the bond issuance at the general primary election on
24 February 2, 2010.

25 (2) At or prior to the time of the sale of the bonds,
26 the school board determines, by resolution, that (i) the

1 building and equipping of a new elementary school building
2 is required as a result of a projected increase in the
3 enrollment of students in the district and the age and
4 condition of the existing Lebanon Elementary School
5 building, (ii) a portion of the existing Lebanon Elementary
6 School building will be demolished and the remaining
7 portion will be altered, repaired, and equipped, and (iii)
8 the sale of bonds is authorized by a statute that exempts
9 the debt incurred on the bonds from the district's
10 statutory debt limitation.

11 (3) The bonds are issued, in one or more bond
12 issuances, on or before April 1, 2014, but the aggregate
13 principal amount issued in all such bond issuances combined
14 must not exceed \$7,500,000.

15 (4) The bonds are issued in accordance with this
16 Article.

17 (5) The proceeds of the bonds are used to accomplish
18 only those projects approved by the voters at the general
19 primary election held on February 2, 2010.

20 The debt incurred on any bonds issued under this subsection
21 (p-90) shall not be considered indebtedness for purposes of any
22 statutory debt limitation.

23 (p-95) In addition to all other authority to issue bonds,
24 Monticello Community Unit School District 25 may issue bonds
25 with an aggregate principal amount not to exceed \$35,000,000,
26 but only if all of the following conditions are met:

1 (1) The voters of the district approve a proposition
2 for the bond issuance at an election held on or after
3 November 4, 2014.

4 (2) Prior to the issuance of the bonds, the school
5 board determines, by resolution, that (i) the building and
6 equipping of a new school building is required as a result
7 of the age and condition of an existing school building and
8 (ii) the issuance of bonds is authorized by a statute that
9 exempts the debt incurred on the bonds from the district's
10 statutory debt limitation.

11 (3) The bonds are issued, in one or more issuances, on
12 or before July 1, 2020, but the aggregate principal amount
13 issued in all such bond issuances combined must not exceed
14 \$35,000,000.

15 (4) The bonds are issued in accordance with this
16 Article.

17 (5) The proceeds of the bonds are used to accomplish
18 only those projects approved by the voters at an election
19 held on or after November 4, 2014.

20 The debt incurred on any bonds issued under this subsection
21 (p-95) shall not be considered indebtedness for purposes of any
22 statutory debt limitation. Bonds issued under this subsection
23 (p-95) must mature within not to exceed 25 years from their
24 date, notwithstanding any other law, including Section 19-3 of
25 this Code, to the contrary.

26 (p-100) ~~(p-95)~~ In addition to all other authority to issue

1 bonds, the community unit school district created in the
2 territory comprising Milford Community Consolidated School
3 District 280 and Milford Township High School District 233, as
4 approved at the general primary election held on March 18,
5 2014, may issue bonds with an aggregate principal amount not to
6 exceed \$17,500,000, but only if all the following conditions
7 are met:

8 (1) The voters of the district approve a proposition
9 for the bond issuance at an election held on or after
10 November 4, 2014.

11 (2) Prior to the issuance of the bonds, the school
12 board determines, by resolution, that (i) the building and
13 equipping of a new school building is required as a result
14 of the age and condition of an existing school building and
15 (ii) the issuance of bonds is authorized by a statute that
16 exempts the debt incurred on the bonds from the district's
17 statutory debt limitation.

18 (3) The bonds are issued, in one or more issuances, on
19 or before July 1, 2020, but the aggregate principal amount
20 issued in all such bond issuances combined must not exceed
21 \$17,500,000.

22 (4) The bonds are issued in accordance with this
23 Article.

24 (5) The proceeds of the bonds are used to accomplish
25 only those projects approved by the voters at an election
26 held on or after November 4, 2014.

1 The debt incurred on any bonds issued under this subsection
2 (p-100) ~~(p-95)~~ shall not be considered indebtedness for
3 purposes of any statutory debt limitation. Bonds issued under
4 this subsection (p-100) ~~(p-95)~~ must mature within not to exceed
5 25 years from their date, notwithstanding any other law,
6 including Section 19-3 of this Code, to the contrary.

7 (q) A school district must notify the State Board of
8 Education prior to issuing any form of long-term or short-term
9 debt that will result in outstanding debt that exceeds 75% of
10 the debt limit specified in this Section or any other provision
11 of law.

12 (Source: P.A. 97-333, eff. 8-12-11; 97-834, eff. 7-20-12;
13 97-1146, eff. 1-18-13; 98-617, eff. 1-7-14; 98-912, eff.
14 8-15-14; 98-916, eff. 8-15-14; revised 10-1-14.)

15 (105 ILCS 5/24-12) (from Ch. 122, par. 24-12)

16 Sec. 24-12. Removal or dismissal of teachers in contractual
17 continued service.

18 (a) This subsection (a) applies only to honorable
19 dismissals and recalls in which the notice of dismissal is
20 provided on or before the end of the 2010-2011 school term. If
21 a teacher in contractual continued service is removed or
22 dismissed as a result of a decision of the board to decrease
23 the number of teachers employed by the board or to discontinue
24 some particular type of teaching service, written notice shall
25 be mailed to the teacher and also given the teacher either by

1 certified mail, return receipt requested or personal delivery
2 with receipt at least 60 days before the end of the school
3 term, together with a statement of honorable dismissal and the
4 reason therefor, and in all such cases the board shall first
5 remove or dismiss all teachers who have not entered upon
6 contractual continued service before removing or dismissing
7 any teacher who has entered upon contractual continued service
8 and who is legally qualified to hold a position currently held
9 by a teacher who has not entered upon contractual continued
10 service.

11 As between teachers who have entered upon contractual
12 continued service, the teacher or teachers with the shorter
13 length of continuing service with the district shall be
14 dismissed first unless an alternative method of determining the
15 sequence of dismissal is established in a collective bargaining
16 agreement or contract between the board and a professional
17 faculty members' organization and except that this provision
18 shall not impair the operation of any affirmative action
19 program in the district, regardless of whether it exists by
20 operation of law or is conducted on a voluntary basis by the
21 board. Any teacher dismissed as a result of such decrease or
22 discontinuance shall be paid all earned compensation on or
23 before the third business day following the last day of pupil
24 attendance in the regular school term.

25 If the board has any vacancies for the following school
26 term or within one calendar year from the beginning of the

1 following school term, the positions thereby becoming
2 available shall be tendered to the teachers so removed or
3 dismissed so far as they are legally qualified to hold such
4 positions; provided, however, that if the number of honorable
5 dismissal notices based on economic necessity exceeds 15% of
6 the number of full time equivalent positions filled by
7 certified employees (excluding principals and administrative
8 personnel) during the preceding school year, then if the board
9 has any vacancies for the following school term or within 2
10 calendar years from the beginning of the following school term,
11 the positions so becoming available shall be tendered to the
12 teachers who were so notified and removed or dismissed whenever
13 they are legally qualified to hold such positions. Each board
14 shall, in consultation with any exclusive employee
15 representatives, each year establish a list, categorized by
16 positions, showing the length of continuing service of each
17 teacher who is qualified to hold any such positions, unless an
18 alternative method of determining a sequence of dismissal is
19 established as provided for in this Section, in which case a
20 list shall be made in accordance with the alternative method.
21 Copies of the list shall be distributed to the exclusive
22 employee representative on or before February 1 of each year.
23 Whenever the number of honorable dismissal notices based upon
24 economic necessity exceeds 5, or 150% of the average number of
25 teachers honorably dismissed in the preceding 3 years,
26 whichever is more, then the board also shall hold a public

1 hearing on the question of the dismissals. Following the
2 hearing and board review the action to approve any such
3 reduction shall require a majority vote of the board members.

4 (b) This subsection (b) applies only to honorable
5 dismissals and recalls in which the notice of dismissal is
6 provided during the 2011-2012 school term or a subsequent
7 school term. If any teacher, whether or not in contractual
8 continued service, is removed or dismissed as a result of a
9 decision of a school board to decrease the number of teachers
10 employed by the board, a decision of a school board to
11 discontinue some particular type of teaching service, or a
12 reduction in the number of programs or positions in a special
13 education joint agreement, then written notice must be mailed
14 to the teacher and also given to the teacher either by
15 certified mail, return receipt requested, or personal delivery
16 with receipt at least 45 days before the end of the school
17 term, together with a statement of honorable dismissal and the
18 reason therefor, and in all such cases the sequence of
19 dismissal shall occur in accordance with this subsection (b);
20 except that this subsection (b) shall not impair the operation
21 of any affirmative action program in the school district,
22 regardless of whether it exists by operation of law or is
23 conducted on a voluntary basis by the board.

24 Each teacher must be categorized into one or more positions
25 for which the teacher is qualified to hold, based upon legal
26 qualifications and any other qualifications established in a

1 district or joint agreement job description, on or before the
2 May 10 prior to the school year during which the sequence of
3 dismissal is determined. Within each position and subject to
4 agreements made by the joint committee on honorable dismissals
5 that are authorized by subsection (c) of this Section, the
6 school district or joint agreement must establish 4 groupings
7 of teachers qualified to hold the position as follows:

8 (1) Grouping one shall consist of each teacher who is
9 not in contractual continued service and who (i) has not
10 received a performance evaluation rating, (ii) is employed
11 for one school term or less to replace a teacher on leave,
12 or (iii) is employed on a part-time basis. "Part-time
13 basis" for the purposes of this subsection (b) means a
14 teacher who is employed to teach less than a full-day,
15 teacher workload or less than 5 days of the normal student
16 attendance week, unless otherwise provided for in a
17 collective bargaining agreement between the district and
18 the exclusive representative of the district's teachers.
19 For the purposes of this Section, a teacher (A) who is
20 employed as a full-time teacher but who actually teaches or
21 is otherwise present and participating in the district's
22 educational program for less than a school term or (B) who,
23 in the immediately previous school term, was employed on a
24 full-time basis and actually taught or was otherwise
25 present and participated in the district's educational
26 program for 120 days or more is not considered employed on

1 a part-time basis.

2 (2) Grouping 2 shall consist of each teacher with a
3 Needs Improvement or Unsatisfactory performance evaluation
4 rating on either of the teacher's last 2 performance
5 evaluation ratings.

6 (3) Grouping 3 shall consist of each teacher with a
7 performance evaluation rating of at least Satisfactory or
8 Proficient on both of the teacher's last 2 performance
9 evaluation ratings, if 2 ratings are available, or on the
10 teacher's last performance evaluation rating, if only one
11 rating is available, unless the teacher qualifies for
12 placement into grouping 4.

13 (4) Grouping 4 shall consist of each teacher whose last
14 2 performance evaluation ratings are Excellent and each
15 teacher with 2 Excellent performance evaluation ratings
16 out of the teacher's last 3 performance evaluation ratings
17 with a third rating of Satisfactory or Proficient.

18 Among teachers qualified to hold a position, teachers must
19 be dismissed in the order of their groupings, with teachers in
20 grouping one dismissed first and teachers in grouping 4
21 dismissed last.

22 Within grouping one, the sequence of dismissal must be at
23 the discretion of the school district or joint agreement.
24 Within grouping 2, the sequence of dismissal must be based upon
25 average performance evaluation ratings, with the teacher or
26 teachers with the lowest average performance evaluation rating

1 dismissed first. A teacher's average performance evaluation
2 rating must be calculated using the average of the teacher's
3 last 2 performance evaluation ratings, if 2 ratings are
4 available, or the teacher's last performance evaluation
5 rating, if only one rating is available, using the following
6 numerical values: 4 for Excellent; 3 for Proficient or
7 Satisfactory; 2 for Needs Improvement; and 1 for
8 Unsatisfactory. As between or among teachers in grouping 2 with
9 the same average performance evaluation rating and within each
10 of groupings 3 and 4, the teacher or teachers with the shorter
11 length of continuing service with the school district or joint
12 agreement must be dismissed first unless an alternative method
13 of determining the sequence of dismissal is established in a
14 collective bargaining agreement or contract between the board
15 and a professional faculty members' organization.

16 Each board, including the governing board of a joint
17 agreement, shall, in consultation with any exclusive employee
18 representatives, each year establish a sequence of honorable
19 dismissal list categorized by positions and the groupings
20 defined in this subsection (b). Copies of the list showing each
21 teacher by name and categorized by positions and the groupings
22 defined in this subsection (b) must be distributed to the
23 exclusive bargaining representative at least 75 days before the
24 end of the school term, provided that the school district or
25 joint agreement may, with notice to any exclusive employee
26 representatives, move teachers from grouping one into another

1 grouping during the period of time from 75 days until 45 days
2 before the end of the school term. Each year, each board shall
3 also establish, in consultation with any exclusive employee
4 representatives, a list showing the length of continuing
5 service of each teacher who is qualified to hold any such
6 positions, unless an alternative method of determining a
7 sequence of dismissal is established as provided for in this
8 Section, in which case a list must be made in accordance with
9 the alternative method. Copies of the list must be distributed
10 to the exclusive employee representative at least 75 days
11 before the end of the school term.

12 Any teacher dismissed as a result of such decrease or
13 discontinuance must be paid all earned compensation on or
14 before the third business day following the last day of pupil
15 attendance in the regular school term.

16 If the board or joint agreement has any vacancies for the
17 following school term or within one calendar year from the
18 beginning of the following school term, the positions thereby
19 becoming available must be tendered to the teachers so removed
20 or dismissed who were in groupings 3 or 4 of the sequence of
21 dismissal and are qualified to hold the positions, based upon
22 legal qualifications and any other qualifications established
23 in a district or joint agreement job description, on or before
24 the May 10 prior to the date of the positions becoming
25 available, provided that if the number of honorable dismissal
26 notices based on economic necessity exceeds 15% of the number

1 of full-time equivalent positions filled by certified
2 employees (excluding principals and administrative personnel)
3 during the preceding school year, then the recall period is for
4 the following school term or within 2 calendar years from the
5 beginning of the following school term. If the board or joint
6 agreement has any vacancies within the period from the
7 beginning of the following school term through February 1 of
8 the following school term (unless a date later than February 1,
9 but no later than 6 months from the beginning of the following
10 school term, is established in a collective bargaining
11 agreement), the positions thereby becoming available must be
12 tendered to the teachers so removed or dismissed who were in
13 grouping 2 of the sequence of dismissal due to one "needs
14 improvement" rating on either of the teacher's last 2
15 performance evaluation ratings, provided that, if 2 ratings are
16 available, the other performance evaluation rating used for
17 grouping purposes is "satisfactory", "proficient", or
18 "excellent", and are qualified to hold the positions, based
19 upon legal qualifications and any other qualifications
20 established in a district or joint agreement job description,
21 on or before the May 10 prior to the date of the positions
22 becoming available. On and after the effective date of this
23 amendatory Act of the 98th General Assembly, the preceding
24 sentence shall apply to teachers removed or dismissed by
25 honorable dismissal, even if notice of honorable dismissal
26 occurred during the 2013-2014 school year. Among teachers

1 eligible for recall pursuant to the preceding sentence, the
2 order of recall must be in inverse order of dismissal, unless
3 an alternative order of recall is established in a collective
4 bargaining agreement or contract between the board and a
5 professional faculty members' organization. Whenever the
6 number of honorable dismissal notices based upon economic
7 necessity exceeds 5 notices or 150% of the average number of
8 teachers honorably dismissed in the preceding 3 years,
9 whichever is more, then the school board or governing board of
10 a joint agreement, as applicable, shall also hold a public
11 hearing on the question of the dismissals. Following the
12 hearing and board review, the action to approve any such
13 reduction shall require a majority vote of the board members.

14 For purposes of this subsection (b), subject to agreement
15 on an alternative definition reached by the joint committee
16 described in subsection (c) of this Section, a teacher's
17 performance evaluation rating means the overall performance
18 evaluation rating resulting from an annual or biennial
19 performance evaluation conducted pursuant to Article 24A of
20 this Code by the school district or joint agreement determining
21 the sequence of dismissal, not including any performance
22 evaluation conducted during or at the end of a remediation
23 period. No more than one evaluation rating each school term
24 shall be one of the evaluation ratings used for the purpose of
25 determining the sequence of dismissal. Except as otherwise
26 provided in this subsection for any performance evaluations

1 conducted during or at the end of a remediation period, if
2 multiple performance evaluations are conducted in a school
3 term, only the rating from the last evaluation conducted prior
4 to establishing the sequence of honorable dismissal list in
5 such school term shall be the one evaluation rating from that
6 school term used for the purpose of determining the sequence of
7 dismissal. Averaging ratings from multiple evaluations is not
8 permitted unless otherwise agreed to in a collective bargaining
9 agreement or contract between the board and a professional
10 faculty members' organization. The preceding 3 sentences are
11 not a legislative declaration that existing law does or does
12 not already require that only one performance evaluation each
13 school term shall be used for the purpose of determining the
14 sequence of dismissal. For performance evaluation ratings
15 determined prior to September 1, 2012, any school district or
16 joint agreement with a performance evaluation rating system
17 that does not use either of the rating category systems
18 specified in subsection (d) of Section 24A-5 of this Code for
19 all teachers must establish a basis for assigning each teacher
20 a rating that complies with subsection (d) of Section 24A-5 of
21 this Code for all of the performance evaluation ratings that
22 are to be used to determine the sequence of dismissal. A
23 teacher's grouping and ranking on a sequence of honorable
24 dismissal shall be deemed a part of the teacher's performance
25 evaluation, and that information shall be disclosed to the
26 exclusive bargaining representative as part of a sequence of

1 honorable dismissal list, notwithstanding any laws prohibiting
2 disclosure of such information. A performance evaluation
3 rating may be used to determine the sequence of dismissal,
4 notwithstanding the pendency of any grievance resolution or
5 arbitration procedures relating to the performance evaluation.
6 If a teacher has received at least one performance evaluation
7 rating conducted by the school district or joint agreement
8 determining the sequence of dismissal and a subsequent
9 performance evaluation is not conducted in any school year in
10 which such evaluation is required to be conducted under Section
11 24A-5 of this Code, the teacher's performance evaluation rating
12 for that school year for purposes of determining the sequence
13 of dismissal is deemed Proficient. If a performance evaluation
14 rating is nullified as the result of an arbitration,
15 administrative agency, or court determination, then the school
16 district or joint agreement is deemed to have conducted a
17 performance evaluation for that school year, but the
18 performance evaluation rating may not be used in determining
19 the sequence of dismissal.

20 Nothing in this subsection (b) shall be construed as
21 limiting the right of a school board or governing board of a
22 joint agreement to dismiss a teacher not in contractual
23 continued service in accordance with Section 24-11 of this
24 Code.

25 Any provisions regarding the sequence of honorable
26 dismissals and recall of honorably dismissed teachers in a

1 collective bargaining agreement entered into on or before
2 January 1, 2011 and in effect on the effective date of this
3 amendatory Act of the 97th General Assembly that may conflict
4 with this amendatory Act of the 97th General Assembly shall
5 remain in effect through the expiration of such agreement or
6 June 30, 2013, whichever is earlier.

7 (c) Each school district and special education joint
8 agreement must use a joint committee composed of equal
9 representation selected by the school board and its teachers
10 or, if applicable, the exclusive bargaining representative of
11 its teachers, to address the matters described in paragraphs
12 (1) through (5) of this subsection (c) pertaining to honorable
13 dismissals under subsection (b) of this Section.

14 (1) The joint committee must consider and may agree to
15 criteria for excluding from grouping 2 and placing into
16 grouping 3 a teacher whose last 2 performance evaluations
17 include a Needs Improvement and either a Proficient or
18 Excellent.

19 (2) The joint committee must consider and may agree to
20 an alternative definition for grouping 4, which definition
21 must take into account prior performance evaluation
22 ratings and may take into account other factors that relate
23 to the school district's or program's educational
24 objectives. An alternative definition for grouping 4 may
25 not permit the inclusion of a teacher in the grouping with
26 a Needs Improvement or Unsatisfactory performance

1 evaluation rating on either of the teacher's last 2
2 performance evaluation ratings.

3 (3) The joint committee may agree to including within
4 the definition of a performance evaluation rating a
5 performance evaluation rating administered by a school
6 district or joint agreement other than the school district
7 or joint agreement determining the sequence of dismissal.

8 (4) For each school district or joint agreement that
9 administers performance evaluation ratings that are
10 inconsistent with either of the rating category systems
11 specified in subsection (d) of Section 24A-5 of this Code,
12 the school district or joint agreement must consult with
13 the joint committee on the basis for assigning a rating
14 that complies with subsection (d) of Section 24A-5 of this
15 Code to each performance evaluation rating that will be
16 used in a sequence of dismissal.

17 (5) Upon request by a joint committee member submitted
18 to the employing board by no later than 10 days after the
19 distribution of the sequence of honorable dismissal list, a
20 representative of the employing board shall, within 5 days
21 after the request, provide to members of the joint
22 committee a list showing the most recent and prior
23 performance evaluation ratings of each teacher identified
24 only by length of continuing service in the district or
25 joint agreement and not by name. If, after review of this
26 list, a member of the joint committee has a good faith

1 belief that a disproportionate number of teachers with
2 greater length of continuing service with the district or
3 joint agreement have received a recent performance
4 evaluation rating lower than the prior rating, the member
5 may request that the joint committee review the list to
6 assess whether such a trend may exist. Following the joint
7 committee's review, but by no later than the end of the
8 applicable school term, the joint committee or any member
9 or members of the joint committee may submit a report of
10 the review to the employing board and exclusive bargaining
11 representative, if any. Nothing in this paragraph (5) shall
12 impact the order of honorable dismissal or a school
13 district's or joint agreement's authority to carry out a
14 dismissal in accordance with subsection (b) of this
15 Section.

16 Agreement by the joint committee as to a matter requires
17 the majority vote of all committee members, and if the joint
18 committee does not reach agreement on a matter, then the
19 otherwise applicable requirements of subsection (b) of this
20 Section shall apply. Except as explicitly set forth in this
21 subsection (c), a joint committee has no authority to agree to
22 any further modifications to the requirements for honorable
23 dismissals set forth in subsection (b) of this Section. The
24 joint committee must be established, and the first meeting of
25 the joint committee each school year must occur on or before
26 December 1.

1 The joint committee must reach agreement on a matter on or
2 before February 1 of a school year in order for the agreement
3 of the joint committee to apply to the sequence of dismissal
4 determined during that school year. Subject to the February 1
5 deadline for agreements, the agreement of a joint committee on
6 a matter shall apply to the sequence of dismissal until the
7 agreement is amended or terminated by the joint committee.

8 (d) Notwithstanding anything to the contrary in this
9 subsection (d), the requirements and dismissal procedures of
10 Section 24-16.5 of this Code shall apply to any dismissal
11 sought under Section 24-16.5 of this Code.

12 (1) If a dismissal of a teacher in contractual
13 continued service is sought for any reason or cause other
14 than an honorable dismissal under subsections (a) or (b) of
15 this Section or a dismissal sought under Section 24-16.5 of
16 this Code, including those under Section 10-22.4, the board
17 must first approve a motion containing specific charges by
18 a majority vote of all its members. Written notice of such
19 charges, including a bill of particulars and the teacher's
20 right to request a hearing, must be mailed to the teacher
21 and also given to the teacher either by certified mail,
22 return receipt requested, or personal delivery with
23 receipt within 5 days of the adoption of the motion. Any
24 written notice sent on or after July 1, 2012 shall inform
25 the teacher of the right to request a hearing before a
26 mutually selected hearing officer, with the cost of the

1 hearing officer split equally between the teacher and the
2 board, or a hearing before a board-selected hearing
3 officer, with the cost of the hearing officer paid by the
4 board.

5 Before setting a hearing on charges stemming from
6 causes that are considered remediable, a board must give
7 the teacher reasonable warning in writing, stating
8 specifically the causes that, if not removed, may result in
9 charges; however, no such written warning is required if
10 the causes have been the subject of a remediation plan
11 pursuant to Article 24A of this Code.

12 If, in the opinion of the board, the interests of the
13 school require it, the board may suspend the teacher
14 without pay, pending the hearing, but if the board's
15 dismissal or removal is not sustained, the teacher shall
16 not suffer the loss of any salary or benefits by reason of
17 the suspension.

18 (2) No hearing upon the charges is required unless the
19 teacher within 17 days after receiving notice requests in
20 writing of the board that a hearing be scheduled before a
21 mutually selected hearing officer or a hearing officer
22 selected by the board. The secretary of the school board
23 shall forward a copy of the notice to the State Board of
24 Education.

25 (3) Within 5 business days after receiving a notice of
26 hearing in which either notice to the teacher was sent

1 before July 1, 2012 or, if the notice was sent on or after
2 July 1, 2012, the teacher has requested a hearing before a
3 mutually selected hearing officer, the State Board of
4 Education shall provide a list of 5 prospective, impartial
5 hearing officers from the master list of qualified,
6 impartial hearing officers maintained by the State Board of
7 Education. Each person on the master list must (i) be
8 accredited by a national arbitration organization and have
9 had a minimum of 5 years of experience directly related to
10 labor and employment relations matters between employers
11 and employees or their exclusive bargaining
12 representatives and (ii) beginning September 1, 2012, have
13 participated in training provided or approved by the State
14 Board of Education for teacher dismissal hearing officers
15 so that he or she is familiar with issues generally
16 involved in evaluative and non-evaluative dismissals.

17 If notice to the teacher was sent before July 1, 2012
18 or, if the notice was sent on or after July 1, 2012, the
19 teacher has requested a hearing before a mutually selected
20 hearing officer, the board and the teacher or their legal
21 representatives within 3 business days shall alternately
22 strike one name from the list provided by the State Board
23 of Education until only one name remains. Unless waived by
24 the teacher, the teacher shall have the right to proceed
25 first with the striking. Within 3 business days of receipt
26 of the list provided by the State Board of Education, the

1 board and the teacher or their legal representatives shall
2 each have the right to reject all prospective hearing
3 officers named on the list and notify the State Board of
4 Education of such rejection. Within 3 business days after
5 receiving this notification, the State Board of Education
6 shall appoint a qualified person from the master list who
7 did not appear on the list sent to the parties to serve as
8 the hearing officer, unless the parties notify it that they
9 have chosen to alternatively select a hearing officer under
10 paragraph (4) of this subsection (d).

11 If the teacher has requested a hearing before a hearing
12 officer selected by the board, the board shall select one
13 name from the master list of qualified impartial hearing
14 officers maintained by the State Board of Education within
15 3 business days after receipt and shall notify the State
16 Board of Education of its selection.

17 A hearing officer mutually selected by the parties,
18 selected by the board, or selected through an alternative
19 selection process under paragraph (4) of this subsection
20 (d) (A) must not be a resident of the school district, (B)
21 must be available to commence the hearing within 75 days
22 and conclude the hearing within 120 days after being
23 selected as the hearing officer, and (C) must issue a
24 decision as to whether the teacher must be dismissed and
25 give a copy of that decision to both the teacher and the
26 board within 30 days from the conclusion of the hearing or

1 closure of the record, whichever is later.

2 (4) In the alternative to selecting a hearing officer
3 from the list received from the State Board of Education or
4 accepting the appointment of a hearing officer by the State
5 Board of Education or if the State Board of Education
6 cannot provide a list or appoint a hearing officer that
7 meets the foregoing requirements, the board and the teacher
8 or their legal representatives may mutually agree to select
9 an impartial hearing officer who is not on the master list
10 either by direct appointment by the parties or by using
11 procedures for the appointment of an arbitrator
12 established by the Federal Mediation and Conciliation
13 Service or the American Arbitration Association. The
14 parties shall notify the State Board of Education of their
15 intent to select a hearing officer using an alternative
16 procedure within 3 business days of receipt of a list of
17 prospective hearing officers provided by the State Board of
18 Education, notice of appointment of a hearing officer by
19 the State Board of Education, or receipt of notice from the
20 State Board of Education that it cannot provide a list that
21 meets the foregoing requirements, whichever is later.

22 (5) If the notice of dismissal was sent to the teacher
23 before July 1, 2012, the fees and costs for the hearing
24 officer must be paid by the State Board of Education. If
25 the notice of dismissal was sent to the teacher on or after
26 July 1, 2012, the hearing officer's fees and costs must be

1 paid as follows in this paragraph (5). The fees and
2 permissible costs for the hearing officer must be
3 determined by the State Board of Education. If the board
4 and the teacher or their legal representatives mutually
5 agree to select an impartial hearing officer who is not on
6 a list received from the State Board of Education, they may
7 agree to supplement the fees determined by the State Board
8 to the hearing officer, at a rate consistent with the
9 hearing officer's published professional fees. If the
10 hearing officer is mutually selected by the parties, then
11 the board and the teacher or their legal representatives
12 shall each pay 50% of the fees and costs and any
13 supplemental allowance to which they agree. If the hearing
14 officer is selected by the board, then the board shall pay
15 100% of the hearing officer's fees and costs. The fees and
16 costs must be paid to the hearing officer within 14 days
17 after the board and the teacher or their legal
18 representatives receive the hearing officer's decision set
19 forth in paragraph (7) of this subsection (d).

20 (6) The teacher is required to answer the bill of
21 particulars and aver affirmative matters in his or her
22 defense, and the time for initially doing so and the time
23 for updating such answer and defenses after pre-hearing
24 discovery must be set by the hearing officer. The State
25 Board of Education shall promulgate rules so that each
26 party has a fair opportunity to present its case and to

1 ensure that the dismissal process proceeds in a fair and
2 expeditious manner. These rules shall address, without
3 limitation, discovery and hearing scheduling conferences;
4 the teacher's initial answer and affirmative defenses to
5 the bill of particulars and the updating of that
6 information after pre-hearing discovery; provision for
7 written interrogatories and requests for production of
8 documents; the requirement that each party initially
9 disclose to the other party and then update the disclosure
10 no later than 10 calendar days prior to the commencement of
11 the hearing, the names and addresses of persons who may be
12 called as witnesses at the hearing, a summary of the facts
13 or opinions each witness will testify to, and all other
14 documents and materials, including information maintained
15 electronically, relevant to its own as well as the other
16 party's case (the hearing officer may exclude witnesses and
17 exhibits not identified and shared, except those offered in
18 rebuttal for which the party could not reasonably have
19 anticipated prior to the hearing); pre-hearing discovery
20 and preparation, including provision for written
21 interrogatories and requests for production of documents,
22 provided that discovery depositions are prohibited; the
23 conduct of the hearing; the right of each party to be
24 represented by counsel, the offer of evidence and witnesses
25 and the cross-examination of witnesses; the authority of
26 the hearing officer to issue subpoenas and subpoenas duces

1 tecum, provided that the hearing officer may limit the
2 number of witnesses to be subpoenaed on behalf of each
3 party to no more than 7; the length of post-hearing briefs;
4 and the form, length, and content of hearing officers'
5 decisions. The hearing officer shall hold a hearing and
6 render a final decision for dismissal pursuant to Article
7 24A of this Code or shall report to the school board
8 findings of fact and a recommendation as to whether or not
9 the teacher must be dismissed for conduct. The hearing
10 officer shall commence the hearing within 75 days and
11 conclude the hearing within 120 days after being selected
12 as the hearing officer, provided that the hearing officer
13 may modify these timelines upon the showing of good cause
14 or mutual agreement of the parties. Good cause for the
15 purpose of this subsection (d) shall mean the illness or
16 otherwise unavoidable emergency of the teacher, district
17 representative, their legal representatives, the hearing
18 officer, or an essential witness as indicated in each
19 party's pre-hearing submission. In a dismissal hearing
20 pursuant to Article 24A of this Code, the hearing officer
21 shall consider and give weight to all of the teacher's
22 evaluations written pursuant to Article 24A that are
23 relevant to the issues in the hearing.

24 Each party shall have no more than 3 days to present
25 its case, unless extended by the hearing officer to enable
26 a party to present adequate evidence and testimony,

1 including due to the other party's cross-examination of the
2 party's witnesses, for good cause or by mutual agreement of
3 the parties. The State Board of Education shall define in
4 rules the meaning of "day" for such purposes. All testimony
5 at the hearing shall be taken under oath administered by
6 the hearing officer. The hearing officer shall cause a
7 record of the proceedings to be kept and shall employ a
8 competent reporter to take stenographic or stenotype notes
9 of all the testimony. The costs of the reporter's
10 attendance and services at the hearing shall be paid by the
11 party or parties who are responsible for paying the fees
12 and costs of the hearing officer. Either party desiring a
13 transcript of the hearing shall pay for the cost thereof.
14 Any post-hearing briefs must be submitted by the parties by
15 no later than 21 days after a party's receipt of the
16 transcript of the hearing, unless extended by the hearing
17 officer for good cause or by mutual agreement of the
18 parties.

19 (7) The hearing officer shall, within 30 days from the
20 conclusion of the hearing or closure of the record,
21 whichever is later, make a decision as to whether or not
22 the teacher shall be dismissed pursuant to Article 24A of
23 this Code or report to the school board findings of fact
24 and a recommendation as to whether or not the teacher shall
25 be dismissed for cause and shall give a copy of the
26 decision or findings of fact and recommendation to both the

1 teacher and the school board. If a hearing officer fails
2 without good cause, specifically provided in writing to
3 both parties and the State Board of Education, to render a
4 decision or findings of fact and recommendation within 30
5 days after the hearing is concluded or the record is
6 closed, whichever is later, the parties may mutually agree
7 to select a hearing officer pursuant to the alternative
8 procedure, as provided in this Section, to rehear the
9 charges heard by the hearing officer who failed to render a
10 decision or findings of fact and recommendation or to
11 review the record and render a decision. If any hearing
12 officer fails without good cause, specifically provided in
13 writing to both parties and the State Board of Education,
14 to render a decision or findings of fact and recommendation
15 within 30 days after the hearing is concluded or the record
16 is closed, whichever is later, the hearing officer shall be
17 removed from the master list of hearing officers maintained
18 by the State Board of Education for not more than 24
19 months. The parties and the State Board of Education may
20 also take such other actions as it deems appropriate,
21 including recovering, reducing, or withholding any fees
22 paid or to be paid to the hearing officer. If any hearing
23 officer repeats such failure, he or she must be permanently
24 removed from the master list maintained by the State Board
25 of Education and may not be selected by parties through the
26 alternative selection process under this paragraph (7) or

1 paragraph (4) of this subsection (d). The board shall not
2 lose jurisdiction to discharge a teacher if the hearing
3 officer fails to render a decision or findings of fact and
4 recommendation within the time specified in this Section.
5 If the decision of the hearing officer for dismissal
6 pursuant to Article 24A of this Code or of the school board
7 for dismissal for cause is in favor of the teacher, then
8 the hearing officer or school board shall order
9 reinstatement to the same or substantially equivalent
10 position and shall determine the amount for which the
11 school board is liable, including, but not limited to, loss
12 of income and benefits.

13 (8) The school board, within 45 days after receipt of
14 the hearing officer's findings of fact and recommendation
15 as to whether (i) the conduct at issue occurred, (ii) the
16 conduct that did occur was remediable, and (iii) the
17 proposed dismissal should be sustained, shall issue a
18 written order as to whether the teacher must be retained or
19 dismissed for cause from its employ. The school board's
20 written order shall incorporate the hearing officer's
21 findings of fact, except that the school board may modify
22 or supplement the findings of fact if, in its opinion, the
23 findings of fact are against the manifest weight of the
24 evidence.

25 If the school board dismisses the teacher
26 notwithstanding the hearing officer's findings of fact and

1 recommendation, the school board shall make a conclusion in
2 its written order, giving its reasons therefor, and such
3 conclusion and reasons must be included in its written
4 order. The failure of the school board to strictly adhere
5 to the timelines contained in this Section shall not render
6 it without jurisdiction to dismiss the teacher. The school
7 board shall not lose jurisdiction to discharge the teacher
8 for cause if the hearing officer fails to render a
9 recommendation within the time specified in this Section.
10 The decision of the school board is final, unless reviewed
11 as provided in paragraph (9) of this subsection (d).

12 If the school board retains the teacher, the school
13 board shall enter a written order stating the amount of
14 back pay and lost benefits, less mitigation, to be paid to
15 the teacher, within 45 days after its retention order.
16 Should the teacher object to the amount of the back pay and
17 lost benefits or amount mitigated, the teacher shall give
18 written objections to the amount within 21 days. If the
19 parties fail to reach resolution within 7 days, the dispute
20 shall be referred to the hearing officer, who shall
21 consider the school board's written order and teacher's
22 written objection and determine the amount to which the
23 school board is liable. The costs of the hearing officer's
24 review and determination must be paid by the board.

25 (9) The decision of the hearing officer pursuant to
26 Article 24A of this Code or of the school board's decision

1 to dismiss for cause is final unless reviewed as provided
2 in Section 24-16 of this Act. If the school board's
3 decision to dismiss for cause is contrary to the hearing
4 officer's recommendation, the court on review shall give
5 consideration to the school board's decision and its
6 supplemental findings of fact, if applicable, and the
7 hearing officer's findings of fact and recommendation in
8 making its decision. In the event such review is
9 instituted, the school board shall be responsible for
10 preparing and filing the record of proceedings, and such
11 costs associated therewith must be divided equally between
12 the parties.

13 (10) If a decision of the hearing officer for dismissal
14 pursuant to Article 24A of this Code or of the school board
15 for dismissal for cause is adjudicated upon review or
16 appeal in favor of the teacher, then the trial court shall
17 order reinstatement and shall remand the matter to the
18 school board with direction for entry of an order setting
19 the amount of back pay, lost benefits, and costs, less
20 mitigation. The teacher may challenge the school board's
21 order setting the amount of back pay, lost benefits, and
22 costs, less mitigation, through an expedited arbitration
23 procedure, with the costs of the arbitrator borne by the
24 school board.

25 Any teacher who is reinstated by any hearing or
26 adjudication brought under this Section shall be assigned

1 by the board to a position substantially similar to the one
2 which that teacher held prior to that teacher's suspension
3 or dismissal.

4 (11) Subject to any later effective date referenced in
5 this Section for a specific aspect of the dismissal
6 process, the changes made by Public Act 97-8 ~~this~~
7 ~~amendatory Act of the 97th General Assembly~~ shall apply to
8 dismissals instituted on or after September 1, 2011. Any
9 dismissal instituted prior to September 1, 2011 must be
10 carried out in accordance with the requirements of this
11 Section prior to amendment by Public Act 97-8 ~~this~~
12 ~~amendatory Act of 97th General Assembly~~.

13 (e) Nothing contained in this amendatory Act of the 98th
14 General Assembly repeals, supersedes, invalidates, or
15 nullifies final decisions in lawsuits pending on the effective
16 date of this amendatory Act of the 98th General Assembly in
17 Illinois courts involving the interpretation of Public Act
18 97-8.

19 (Source: P.A. 97-8, eff. 6-13-11; 98-513, eff. 1-1-14; 98-648,
20 eff. 7-1-14; revised 12-1-14.)

21 (105 ILCS 5/27-23.7)

22 Sec. 27-23.7. Bullying prevention.

23 (a) The General Assembly finds that a safe and civil school
24 environment is necessary for students to learn and achieve and
25 that bullying causes physical, psychological, and emotional

1 harm to students and interferes with students' ability to learn
2 and participate in school activities. The General Assembly
3 further finds that bullying has been linked to other forms of
4 antisocial behavior, such as vandalism, shoplifting, skipping
5 and dropping out of school, fighting, using drugs and alcohol,
6 sexual harassment, and sexual violence. Because of the negative
7 outcomes associated with bullying in schools, the General
8 Assembly finds that school districts, charter schools, and
9 non-public, non-sectarian elementary and secondary schools
10 should educate students, parents, and school district, charter
11 school, or non-public, non-sectarian elementary or secondary
12 school personnel about what behaviors constitute prohibited
13 bullying.

14 Bullying on the basis of actual or perceived race, color,
15 religion, sex, national origin, ancestry, age, marital status,
16 physical or mental disability, military status, sexual
17 orientation, gender-related identity or expression,
18 unfavorable discharge from military service, association with
19 a person or group with one or more of the aforementioned actual
20 or perceived characteristics, or any other distinguishing
21 characteristic is prohibited in all school districts, charter
22 schools, and non-public, non-sectarian elementary and
23 secondary schools. No student shall be subjected to bullying:

24 (1) during any school-sponsored education program or
25 activity;

26 (2) while in school, on school property, on school

1 buses or other school vehicles, at designated school bus
2 stops waiting for the school bus, or at school-sponsored or
3 school-sanctioned events or activities;

4 (3) through the transmission of information from a
5 school computer, a school computer network, or other
6 similar electronic school equipment; or

7 (4) through the transmission of information from a
8 computer that is accessed at a nonschool-related location,
9 activity, function, or program or from the use of
10 technology or an electronic device that is not owned,
11 leased, or used by a school district or school if the
12 bullying causes a substantial disruption to the
13 educational process or orderly operation of a school. This
14 item (4) applies only in cases in which a school
15 administrator or teacher receives a report that bullying
16 through this means has occurred and does not require a
17 district or school to staff or monitor any
18 nonschool-related activity, function, or program.

19 (a-5) Nothing in this Section is intended to infringe upon
20 any right to exercise free expression or the free exercise of
21 religion or religiously based views protected under the First
22 Amendment to the United States Constitution or under Section 3
23 of Article I of the Illinois Constitution.

24 (b) In this Section:

25 "Bullying" includes "cyber-bullying" and means any severe
26 or pervasive physical or verbal act or conduct, including

1 communications made in writing or electronically, directed
2 toward a student or students that has or can be reasonably
3 predicted to have the effect of one or more of the following:

4 (1) placing the student or students in reasonable fear
5 of harm to the student's or students' person or property;

6 (2) causing a substantially detrimental effect on the
7 student's or students' physical or mental health;

8 (3) substantially interfering with the student's or
9 students' academic performance; or

10 (4) substantially interfering with the student's or
11 students' ability to participate in or benefit from the
12 services, activities, or privileges provided by a school.

13 Bullying, as defined in this subsection (b), may take
14 various forms, including without limitation one or more of the
15 following: harassment, threats, intimidation, stalking,
16 physical violence, sexual harassment, sexual violence, theft,
17 public humiliation, destruction of property, or retaliation
18 for asserting or alleging an act of bullying. This list is
19 meant to be illustrative and non-exhaustive.

20 "Cyber-bullying" means bullying through the use of
21 technology or any electronic communication, including without
22 limitation any transfer of signs, signals, writing, images,
23 sounds, data, or intelligence of any nature transmitted in
24 whole or in part by a wire, radio, electromagnetic system,
25 photoelectronic system, or photooptical system, including
26 without limitation electronic mail, Internet communications,

1 instant messages, or facsimile communications.
2 "Cyber-bullying" includes the creation of a webpage or weblog
3 in which the creator assumes the identity of another person or
4 the knowing impersonation of another person as the author of
5 posted content or messages if the creation or impersonation
6 creates any of the effects enumerated in the definition of
7 bullying in this Section. "Cyber-bullying" also includes the
8 distribution by electronic means of a communication to more
9 than one person or the posting of material on an electronic
10 medium that may be accessed by one or more persons if the
11 distribution or posting creates any of the effects enumerated
12 in the definition of bullying in this Section.

13 "Policy on bullying" means a bullying prevention policy
14 that meets the following criteria:

15 (1) Includes the bullying definition provided in this
16 Section.

17 (2) Includes a statement that bullying is contrary to
18 State law and the policy of the school district, charter
19 school, or non-public, non-sectarian elementary or
20 secondary school and is consistent with subsection (a-5) of
21 this Section.

22 (3) Includes procedures for promptly reporting
23 bullying, including, but not limited to, identifying and
24 providing the school e-mail address (if applicable) and
25 school telephone number for the staff person or persons
26 responsible for receiving such reports and a procedure for

1 anonymous reporting; however, this shall not be construed
2 to permit formal disciplinary action solely on the basis of
3 an anonymous report.

4 (4) Consistent with federal and State laws and rules
5 governing student privacy rights, includes procedures for
6 promptly informing parents or guardians of all students
7 involved in the alleged incident of bullying and
8 discussing, as appropriate, the availability of social
9 work services, counseling, school psychological services,
10 other interventions, and restorative measures.

11 (5) Contains procedures for promptly investigating and
12 addressing reports of bullying, including the following:

13 (A) Making all reasonable efforts to complete the
14 investigation within 10 school days after the date the
15 report of the incident of bullying was received and
16 taking into consideration additional relevant
17 information received during the course of the
18 investigation about the reported incident of bullying.

19 (B) Involving appropriate school support personnel
20 and other staff persons with knowledge, experience,
21 and training on bullying prevention, as deemed
22 appropriate, in the investigation process.

23 (C) Notifying the principal or school
24 administrator or his or her designee of the report of
25 the incident of bullying as soon as possible after the
26 report is received.

1 (D) Consistent with federal and State laws and
2 rules governing student privacy rights, providing
3 parents and guardians of the students who are parties
4 to the investigation information about the
5 investigation and an opportunity to meet with the
6 principal or school administrator or his or her
7 designee to discuss the investigation, the findings of
8 the investigation, and the actions taken to address the
9 reported incident of bullying.

10 (6) Includes the interventions that can be taken to
11 address bullying, which may include, but are not limited
12 to, school social work services, restorative measures,
13 social-emotional skill building, counseling, school
14 psychological services, and community-based services.

15 (7) Includes a statement prohibiting reprisal or
16 retaliation against any person who reports an act of
17 bullying and the consequences and appropriate remedial
18 actions for a person who engages in reprisal or
19 retaliation.

20 (8) Includes consequences and appropriate remedial
21 actions for a person found to have falsely accused another
22 of bullying as a means of retaliation or as a means of
23 bullying.

24 (9) Is based on the engagement of a range of school
25 stakeholders, including students and parents or guardians.

26 (10) Is posted on the school district's, charter

1 school's, or non-public, non-sectarian elementary or
2 secondary school's existing Internet website and is
3 included in the student handbook, and, where applicable,
4 posted where other policies, rules, and standards of
5 conduct are currently posted in the school, and is
6 distributed annually to parents, guardians, students, and
7 school personnel, including new employees when hired.

8 (11) As part of the process of reviewing and
9 re-evaluating the policy under subsection (d) of this
10 Section, contains a policy evaluation process to assess the
11 outcomes and effectiveness of the policy that includes, but
12 is not limited to, factors such as the frequency of
13 victimization; student, staff, and family observations of
14 safety at a school; identification of areas of a school
15 where bullying occurs; the types of bullying utilized; and
16 bystander intervention or participation. The school
17 district, charter school, or non-public, non-sectarian
18 elementary or secondary school may use relevant data and
19 information it already collects for other purposes in the
20 policy evaluation. The information developed as a result of
21 the policy evaluation must be made available on the
22 Internet website of the school district, charter school, or
23 non-public, non-sectarian elementary or secondary school.
24 If an Internet website is not available, the information
25 must be provided to school administrators, school board
26 members, school personnel, parents, guardians, and

1 students.

2 (12) Is consistent with the policies of the school
3 board, charter school, or non-public, non-sectarian
4 elementary or secondary school.

5 "Restorative measures" means a continuum of school-based
6 alternatives to exclusionary discipline, such as suspensions
7 and expulsions, that: (i) are adapted to the particular needs
8 of the school and community, (ii) contribute to maintaining
9 school safety, (iii) protect the integrity of a positive and
10 productive learning climate, (iv) teach students the personal
11 and interpersonal skills they will need to be successful in
12 school and society, (v) serve to build and restore
13 relationships among students, families, schools, and
14 communities, and (vi) reduce the likelihood of future
15 disruption by balancing accountability with an understanding
16 of students' behavioral health needs in order to keep students
17 in school.

18 "School personnel" means persons employed by, on contract
19 with, or who volunteer in a school district, charter school
20 ~~schools~~, or non-public, non-sectarian elementary or secondary
21 school, including without limitation school and school
22 district administrators, teachers, school guidance counselors,
23 school social workers, school counselors, school
24 psychologists, school nurses, cafeteria workers, custodians,
25 bus drivers, school resource officers, and security guards.

26 (c) (Blank).

1 (d) Each school district, charter school, and non-public,
2 non-sectarian elementary or secondary school shall create,
3 maintain, and implement a policy on bullying, which policy must
4 be filed with the State Board of Education. The policy or
5 implementing procedure shall include a process to investigate
6 whether a reported act of bullying is within the permissible
7 scope of the district's or school's jurisdiction and shall
8 require that the district or school provide the victim with
9 information regarding services that are available within the
10 district and community, such as counseling, support services,
11 and other programs. Every 2 years, each school district,
12 charter school, and non-public, non-sectarian elementary or
13 secondary school shall conduct a review and re-evaluation of
14 its policy and make any necessary and appropriate revisions.
15 The policy must be filed with the State Board of Education
16 after being updated. The State Board of Education shall monitor
17 and provide technical support for the implementation of
18 policies created under this subsection (d).

19 (e) This Section shall not be interpreted to prevent a
20 victim from seeking redress under any other available civil or
21 criminal law.

22 (Source: P.A. 98-669, eff. 6-26-14; 98-801, eff. 1-1-15;
23 revised 10-2-14.)

24 (105 ILCS 5/27A-4)

25 Sec. 27A-4. General provisions ~~Provisions~~.

1 (a) The General Assembly does not intend to alter or amend
2 the provisions of any court-ordered desegregation plan in
3 effect for any school district. A charter school shall be
4 subject to all federal and State laws and constitutional
5 provisions prohibiting discrimination on the basis of
6 disability, race, creed, color, gender, national origin,
7 religion, ancestry, marital status, or need for special
8 education services.

9 (b) The total number of charter schools operating under
10 this Article at any one time shall not exceed 120. Not more
11 than 70 charter schools shall operate at any one time in any
12 city having a population exceeding 500,000, with at least 5
13 charter schools devoted exclusively to students from
14 low-performing or overcrowded schools operating at any one time
15 in that city; and not more than 45 charter schools shall
16 operate at any one time in the remainder of the State, with not
17 more than one charter school that has been initiated by a board
18 of education, or by an intergovernmental agreement between or
19 among boards of education, operating at any one time in the
20 school district where the charter school is located. In
21 addition to these charter schools, up to but no more than 5
22 charter schools devoted exclusively to re-enrolled high school
23 dropouts and/or students 16 or 15 years old at risk of dropping
24 out may operate at any one time in any city having a population
25 exceeding 500,000. Notwithstanding any provision to the
26 contrary in subsection (b) of Section 27A-5 of this Code, each

1 such dropout charter may operate up to 15 campuses within the
2 city. Any of these dropout charters may have a maximum of 1,875
3 enrollment seats, any one of the campuses of the dropout
4 charter may have a maximum of 165 enrollment seats, and each
5 campus of the dropout charter must be operated, through a
6 contract or payroll, by the same legal entity as that for which
7 the charter is approved and certified.

8 For purposes of implementing this Section, the State Board
9 shall assign a number to each charter submission it receives
10 under Section 27A-6 for its review and certification, based on
11 the chronological order in which the submission is received by
12 it. The State Board shall promptly notify local school boards
13 when the maximum numbers of certified charter schools
14 authorized to operate have been reached.

15 (c) No charter shall be granted under this Article that
16 would convert any existing private, parochial, or non-public
17 school to a charter school.

18 (d) Enrollment in a charter school shall be open to any
19 pupil who resides within the geographic boundaries of the area
20 served by the local school board, provided that the board of
21 education in a city having a population exceeding 500,000 may
22 designate attendance boundaries for no more than one-third of
23 the charter schools permitted in the city if the board of
24 education determines that attendance boundaries are needed to
25 relieve overcrowding or to better serve low-income and at-risk
26 students. Students residing within an attendance boundary may

1 be given priority for enrollment, but must not be required to
2 attend the charter school.

3 (e) Nothing in this Article shall prevent 2 or more local
4 school boards from jointly issuing a charter to a single shared
5 charter school, provided that all of the provisions of this
6 Article are met as to those local school boards.

7 (f) No local school board shall require any employee of the
8 school district to be employed in a charter school.

9 (g) No local school board shall require any pupil residing
10 within the geographic boundary of its district to enroll in a
11 charter school.

12 (h) If there are more eligible applicants for enrollment in
13 a charter school than there are spaces available, successful
14 applicants shall be selected by lottery. However, priority
15 shall be given to siblings of pupils enrolled in the charter
16 school and to pupils who were enrolled in the charter school
17 the previous school year, unless expelled for cause, and
18 priority may be given to pupils residing within the charter
19 school's attendance boundary, if a boundary has been designated
20 by the board of education in a city having a population
21 exceeding 500,000.

22 Beginning with student enrollment for the 2015-2016 school
23 year, any lottery required under this subsection (h) must be
24 administered and videotaped by the charter school. The
25 authorizer or its designee must be allowed to be present or
26 view the lottery in real time. The charter school must maintain

1 a videotaped record of the lottery, including a time/date
2 stamp. The charter school shall transmit copies of the
3 videotape and all records relating to the lottery to the
4 authorizer on or before September 1 of each year.

5 Subject to the requirements for priority applicant groups
6 set forth in paragraph (1) of this subsection (h), any lottery
7 required under this subsection (h) must be administered in a
8 way that provides each student an equal chance at admission. If
9 an authorizer makes a determination that a charter school's
10 lottery is in violation of this subsection (h), it may
11 administer the lottery directly. After a lottery, each student
12 randomly selected for admission to the charter school must be
13 notified. Charter schools may not create an admissions process
14 subsequent to a lottery that may operate as a barrier to
15 registration or enrollment.

16 Charter schools may undertake additional intake
17 activities, including without limitation student essays,
18 school-parent compacts, or open houses, but in no event may a
19 charter school require participation in these activities as a
20 condition of enrollment. A charter school must submit an
21 updated waitlist to the authorizer on a quarterly basis. A
22 waitlist must be submitted to the authorizer at the same time
23 as quarterly financial statements, if quarterly financial
24 statements are required by the authorizer.

25 Dual enrollment at both a charter school and a public
26 school or non-public school shall not be allowed. A pupil who

1 is suspended or expelled from a charter school shall be deemed
2 to be suspended or expelled from the public schools of the
3 school district in which the pupil resides. Notwithstanding
4 anything to the contrary in this subsection (h):

5 (1) any charter school with a mission exclusive to
6 educating high school dropouts may grant priority
7 admission to students who are high school dropouts and/or
8 students 16 or 15 years old at risk of dropping out and any
9 charter school with a mission exclusive to educating
10 students from low-performing or overcrowded schools may
11 restrict admission to students who are from low-performing
12 or overcrowded schools; "priority admission" for charter
13 schools exclusively devoted to re-enrolled dropouts or
14 students at risk of dropping out means a minimum of 90% of
15 students enrolled shall be high school dropouts; and

16 (2) any charter school located in a school district
17 that contains all or part of a federal military base may
18 set aside up to 33% of its current charter enrollment to
19 students with parents assigned to the federal military
20 base, with the remaining 67% subject to the general
21 enrollment and lottery requirements of subsection (d) of
22 this Section and this subsection (h); if a student with a
23 parent assigned to the federal military base withdraws from
24 the charter school during the course of a school year for
25 reasons other than grade promotion, those students with
26 parents assigned to the federal military base shall have

1 preference in filling the vacancy.

2 (i) (Blank).

3 (j) Notwithstanding any other provision of law to the
4 contrary, a school district in a city having a population
5 exceeding 500,000 shall not have a duty to collectively bargain
6 with an exclusive representative of its employees over
7 decisions to grant or deny a charter school proposal under
8 Section 27A-8 of this Code, decisions to renew or revoke a
9 charter under Section 27A-9 of this Code, and the impact of
10 these decisions, provided that nothing in this Section shall
11 have the effect of negating, abrogating, replacing, reducing,
12 diminishing, or limiting in any way employee rights,
13 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
14 14, and 15 of the Illinois Educational Labor Relations Act.

15 (k) In this Section:

16 "Low-performing school" means a public school in a school
17 district organized under Article 34 of this Code that enrolls
18 students in any of grades kindergarten through 8 and that is
19 ranked within the lowest 10% of schools in that district in
20 terms of the percentage of students meeting or exceeding
21 standards on the assessments required under Section 2-3.64a-5
22 of this Code.

23 "Overcrowded school" means a public school in a school
24 district organized under Article 34 of this Code that (i)
25 enrolls students in any of grades kindergarten through 8, (ii)
26 has a percentage of low-income students of 70% or more, as

1 identified in the most recently available School Report Card
2 published by the State Board of Education, and (iii) is
3 determined by the Chicago Board of Education to be in the most
4 severely overcrowded 5% of schools in the district. On or
5 before November 1 of each year, the Chicago Board of Education
6 shall file a report with the State Board of Education on which
7 schools in the district meet the definition of "overcrowded
8 school". "Students at risk of dropping out" means students 16
9 or 15 years old in a public school in a district organized
10 under Article 34 of this Code that enrolls students in any
11 grades 9-12 who have been absent at least 90 school attendance
12 days of the previous 180 school attendance days.

13 (1) For advertisements created after January 1, 2015 (the
14 effective date of Public Act 98-783) ~~this amendatory Act of the~~
15 ~~98th General Assembly~~, any advertisement, including a radio,
16 television, print, Internet, social media, or billboard
17 advertisement, purchased by a school district or public school,
18 including a charter school, with public funds must include a
19 disclaimer stating that the advertisement was paid for using
20 public funds.

21 This disclaimer requirement does not extend to materials
22 created by the charter school, including, but not limited to, a
23 school website, informational pamphlets or leaflets, or
24 clothing with affixed school logos.

25 (Source: P.A. 97-151, eff. 1-1-12; 97-624, eff. 11-28-11;
26 97-813, eff. 7-13-12; 98-474, eff. 8-16-13; 98-783, eff.

1 1-1-15; 98-972, eff. 8-15-14; revised 10-1-14.)

2 (105 ILCS 5/27A-5)

3 Sec. 27A-5. Charter school; legal entity; requirements.

4 (a) A charter school shall be a public, nonsectarian,
5 nonreligious, non-home based, and non-profit school. A charter
6 school shall be organized and operated as a nonprofit
7 corporation or other discrete, legal, nonprofit entity
8 authorized under the laws of the State of Illinois.

9 (b) A charter school may be established under this Article
10 by creating a new school or by converting an existing public
11 school or attendance center to charter school status. Beginning
12 on the effective date of this amendatory Act of the 93rd
13 General Assembly, in all new applications to establish a
14 charter school in a city having a population exceeding 500,000,
15 operation of the charter school shall be limited to one campus.
16 The changes made to this Section by this amendatory Act of the
17 93rd General Assembly do not apply to charter schools existing
18 or approved on or before the effective date of this amendatory
19 Act.

20 (b-5) In this subsection (b-5), "virtual-schooling" means
21 a cyber school where students engage in online curriculum and
22 instruction via the Internet and electronic communication with
23 their teachers at remote locations and with students
24 participating at different times.

25 From April 1, 2013 through December 31, 2016, there is a

1 moratorium on the establishment of charter schools with
2 virtual-schooling components in school districts other than a
3 school district organized under Article 34 of this Code. This
4 moratorium does not apply to a charter school with
5 virtual-schooling components existing or approved prior to
6 April 1, 2013 or to the renewal of the charter of a charter
7 school with virtual-schooling components already approved
8 prior to April 1, 2013.

9 On or before March 1, 2014, the Commission shall submit to
10 the General Assembly a report on the effect of
11 virtual-schooling, including without limitation the effect on
12 student performance, the costs associated with
13 virtual-schooling, and issues with oversight. The report shall
14 include policy recommendations for virtual-schooling.

15 (c) A charter school shall be administered and governed by
16 its board of directors or other governing body in the manner
17 provided in its charter. The governing body of a charter school
18 shall be subject to the Freedom of Information Act and the Open
19 Meetings Act.

20 (d) A charter school shall comply with all applicable
21 health and safety requirements applicable to public schools
22 under the laws of the State of Illinois.

23 (e) Except as otherwise provided in the School Code, a
24 charter school shall not charge tuition; provided that a
25 charter school may charge reasonable fees for textbooks,
26 instructional materials, and student activities.

1 (f) A charter school shall be responsible for the
2 management and operation of its fiscal affairs including, but
3 not limited to, the preparation of its budget. An audit of each
4 charter school's finances shall be conducted annually by an
5 outside, independent contractor retained by the charter
6 school. To ensure financial accountability for the use of
7 public funds, on or before December 1 of every year of
8 operation, each charter school shall submit to its authorizer
9 and the State Board a copy of its audit and a copy of the Form
10 990 the charter school filed that year with the federal
11 Internal Revenue Service. In addition, if deemed necessary for
12 proper financial oversight of the charter school, an authorizer
13 may require quarterly financial statements from each charter
14 school.

15 (g) A charter school shall comply with all provisions of
16 this Article; the Illinois Educational Labor Relations Act; all
17 federal and State laws and rules applicable to public schools
18 that pertain to special education and the instruction of
19 English language learners, referred to in this Code as
20 "children of limited English-speaking ability"; and its
21 charter. A charter school is exempt from all other State laws
22 and regulations in this Code governing public schools and local
23 school board policies, except the following:

- 24 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
25 criminal history records checks and checks of the Statewide
26 Sex Offender Database and Statewide Murderer and Violent

1 Offender Against Youth Database of applicants for
2 employment;

3 (2) Sections 24-24 and 34-84A of this Code regarding
4 discipline of students;

5 (3) the Local Governmental and Governmental Employees
6 Tort Immunity Act;

7 (4) Section 108.75 of the General Not For Profit
8 Corporation Act of 1986 regarding indemnification of
9 officers, directors, employees, and agents;

10 (5) the Abused and Neglected Child Reporting Act;

11 (6) the Illinois School Student Records Act;

12 (7) Section 10-17a of this Code regarding school report
13 cards;

14 (8) the P-20 Longitudinal Education Data System Act;

15 ~~and~~

16 (9) Section 27-23.7 of this Code regarding bullying
17 prevention; ~~and-~~

18 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~
19 Code regarding student discipline reporting.

20 The change made by Public Act 96-104 to this subsection (g)
21 is declaratory of existing law.

22 (h) A charter school may negotiate and contract with a
23 school district, the governing body of a State college or
24 university or public community college, or any other public or
25 for-profit or nonprofit private entity for: (i) the use of a
26 school building and grounds or any other real property or

1 facilities that the charter school desires to use or convert
2 for use as a charter school site, (ii) the operation and
3 maintenance thereof, and (iii) the provision of any service,
4 activity, or undertaking that the charter school is required to
5 perform in order to carry out the terms of its charter.
6 However, a charter school that is established on or after the
7 effective date of this amendatory Act of the 93rd General
8 Assembly and that operates in a city having a population
9 exceeding 500,000 may not contract with a for-profit entity to
10 manage or operate the school during the period that commences
11 on the effective date of this amendatory Act of the 93rd
12 General Assembly and concludes at the end of the 2004-2005
13 school year. Except as provided in subsection (i) of this
14 Section, a school district may charge a charter school
15 reasonable rent for the use of the district's buildings,
16 grounds, and facilities. Any services for which a charter
17 school contracts with a school district shall be provided by
18 the district at cost. Any services for which a charter school
19 contracts with a local school board or with the governing body
20 of a State college or university or public community college
21 shall be provided by the public entity at cost.

22 (i) In no event shall a charter school that is established
23 by converting an existing school or attendance center to
24 charter school status be required to pay rent for space that is
25 deemed available, as negotiated and provided in the charter
26 agreement, in school district facilities. However, all other

1 costs for the operation and maintenance of school district
2 facilities that are used by the charter school shall be subject
3 to negotiation between the charter school and the local school
4 board and shall be set forth in the charter.

5 (j) A charter school may limit student enrollment by age or
6 grade level.

7 (k) If the charter school is approved by the Commission,
8 then the Commission charter school is its own local education
9 agency.

10 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
11 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;
12 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.
13 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised
14 10-14-14.)

15 (105 ILCS 5/27A-6)

16 Sec. 27A-6. Contract contents; applicability of laws and
17 regulations.

18 (a) A certified charter shall constitute a binding contract
19 and agreement between the charter school and a local school
20 board under the terms of which the local school board
21 authorizes the governing body of the charter school to operate
22 the charter school on the terms specified in the contract.

23 (b) Notwithstanding any other provision of this Article,
24 the certified charter may not waive or release the charter
25 school from the State goals, standards, and assessments

1 established pursuant to Section 2-3.64a-5 of this Code.
2 Beginning with the 2003-2004 school year, the certified charter
3 for a charter school operating in a city having a population
4 exceeding 500,000 shall require the charter school to
5 administer any other nationally recognized standardized tests
6 to its students that the chartering entity administers to other
7 students, and the results on such tests shall be included in
8 the chartering entity's assessment reports.

9 (c) Subject to the provisions of subsection (e), a material
10 revision to a previously certified contract or a renewal shall
11 be made with the approval of both the local school board and
12 the governing body of the charter school.

13 (c-5) The proposed contract shall include a provision on
14 how both parties will address minor violations of the contract.

15 (d) The proposed contract between the governing body of a
16 proposed charter school and the local school board as described
17 in Section 27A-7 must be submitted to and certified by the
18 State Board before it can take effect. If the State Board
19 recommends that the proposed contract be modified for
20 consistency with this Article before it can be certified, the
21 modifications must be consented to by both the governing body
22 of the charter school and the local school board, and
23 resubmitted to the State Board for its certification. If the
24 proposed contract is resubmitted in a form that is not
25 consistent with this Article, the State Board may refuse to
26 certify the charter.

1 The State Board shall assign a number to each submission or
2 resubmission in chronological order of receipt, and shall
3 determine whether the proposed contract is consistent with the
4 provisions of this Article. If the proposed contract complies,
5 the State Board shall so certify.

6 (e) No renewal of a previously certified contract is
7 effective unless and until the State Board certifies that the
8 renewal is consistent with the provisions of this Article. A
9 material revision to a previously certified contract may go
10 into effect immediately upon approval of both the local school
11 board and the governing body of the charter school, unless
12 either party requests in writing that the State Board certify
13 that the material revision is consistent with the provisions of
14 this Article. If such a request is made, the proposed material
15 revision is not effective unless and until the State Board so
16 certifies.

17 (Source: P.A. 98-972, eff. 8-15-14; 98-1048, eff. 8-25-14;
18 revised 10-1-14.)

19 (105 ILCS 5/27A-7)

20 Sec. 27A-7. Charter submission.

21 (a) A proposal to establish a charter school shall be
22 submitted to the local school board and the State Board for
23 certification under Section 27A-6 of this Code in the form of a
24 proposed contract entered into between the local school board
25 and the governing body of a proposed charter school. The

1 charter school proposal shall include:

2 (1) The name of the proposed charter school, which must
3 include the words "Charter School".

4 (2) The age or grade range, areas of focus, minimum and
5 maximum numbers of pupils to be enrolled in the charter
6 school, and any other admission criteria that would be
7 legal if used by a school district.

8 (3) A description of and address for the physical plant
9 in which the charter school will be located; provided that
10 nothing in the Article shall be deemed to justify delaying
11 or withholding favorable action on or approval of a charter
12 school proposal because the building or buildings in which
13 the charter school is to be located have not been acquired
14 or rented at the time a charter school proposal is
15 submitted or approved or a charter school contract is
16 entered into or submitted for certification or certified,
17 so long as the proposal or submission identifies and names
18 at least 2 sites that are potentially available as a
19 charter school facility by the time the charter school is
20 to open.

21 (4) The mission statement of the charter school, which
22 must be consistent with the General Assembly's declared
23 purposes; provided that nothing in this Article shall be
24 construed to require that, in order to receive favorable
25 consideration and approval, a charter school proposal
26 demonstrate unequivocally that the charter school will be

1 able to meet each of those declared purposes, it being the
2 intention of the Charter Schools Law that those purposes be
3 recognized as goals that charter schools must aspire to
4 attain.

5 (5) The goals, objectives, and pupil performance
6 standards to be achieved by the charter school.

7 (6) In the case of a proposal to establish a charter
8 school by converting an existing public school or
9 attendance center to charter school status, evidence that
10 the proposed formation of the charter school has received
11 the approval of certified teachers, parents and guardians,
12 and, if applicable, a local school council as provided in
13 subsection (b) of Section 27A-8.

14 (7) A description of the charter school's educational
15 program, pupil performance standards, curriculum, school
16 year, school days, and hours of operation.

17 (8) A description of the charter school's plan for
18 evaluating pupil performance, the types of assessments
19 that will be used to measure pupil progress towards
20 achievement of the school's pupil performance standards,
21 the timeline for achievement of those standards, and the
22 procedures for taking corrective action in the event that
23 pupil performance at the charter school falls below those
24 standards.

25 (9) Evidence that the terms of the charter as proposed
26 are economically sound for both the charter school and the

1 school district, a proposed budget for the term of the
2 charter, a description of the manner in which an annual
3 audit of the financial and administrative operations of the
4 charter school, including any services provided by the
5 school district, are to be conducted, and a plan for the
6 displacement of pupils, teachers, and other employees who
7 will not attend or be employed in the charter school.

8 (10) A description of the governance and operation of
9 the charter school, including the nature and extent of
10 parental, professional educator, and community involvement
11 in the governance and operation of the charter school.

12 (11) An explanation of the relationship that will exist
13 between the charter school and its employees, including
14 evidence that the terms and conditions of employment have
15 been addressed with affected employees and their
16 recognized representative, if any. However, a bargaining
17 unit of charter school employees shall be separate and
18 distinct from any bargaining units formed from employees of
19 a school district in which the charter school is located.

20 (12) An agreement between the parties regarding their
21 respective legal liability and applicable insurance
22 coverage.

23 (13) A description of how the charter school plans to
24 meet the transportation needs of its pupils, and a plan for
25 addressing the transportation needs of low-income and
26 at-risk pupils.

1 (14) The proposed effective date and term of the
2 charter; provided that the first day of the first academic
3 year shall be no earlier than August 15 and no later than
4 September 15 of a calendar year, and the first day of the
5 fiscal year shall be July 1.

6 (15) Any other information reasonably required by the
7 State Board of Education.

8 (b) A proposal to establish a charter school may be
9 initiated by individuals or organizations that will have
10 majority representation on the board of directors or other
11 governing body of the corporation or other discrete legal
12 entity that is to be established to operate the proposed
13 charter school, by a board of education or an intergovernmental
14 agreement between or among boards of education, or by the board
15 of directors or other governing body of a discrete legal entity
16 already existing or established to operate the proposed charter
17 school. The individuals or organizations referred to in this
18 subsection may be school teachers, school administrators,
19 local school councils, colleges or universities or their
20 faculty members, public community colleges or their
21 instructors or other representatives, corporations, or other
22 entities or their representatives. The proposal shall be
23 submitted to the local school board for consideration and, if
24 appropriate, for development of a proposed contract to be
25 submitted to the State Board for certification under Section
26 27A-6.

1 (c) The local school board may not without the consent of
2 the governing body of the charter school condition its approval
3 of a charter school proposal on acceptance of an agreement to
4 operate under State laws and regulations and local school board
5 policies from which the charter school is otherwise exempted
6 under this Article.

7 (Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14;
8 revised 10-1-14.)

9 (105 ILCS 5/27A-11)

10 Sec. 27A-11. Local financing.

11 (a) For purposes of the School Code, pupils enrolled in a
12 charter school shall be included in the pupil enrollment of the
13 school district within which the pupil resides. Each charter
14 school (i) shall determine the school district in which each
15 pupil who is enrolled in the charter school resides, (ii) shall
16 report the aggregate number of pupils resident of a school
17 district who are enrolled in the charter school to the school
18 district in which those pupils reside, and (iii) shall maintain
19 accurate records of daily attendance that shall be deemed
20 sufficient to file claims under Section 18-8 notwithstanding
21 any other requirements of that Section regarding hours of
22 instruction and teacher certification.

23 (b) Except for a charter school established by referendum
24 under Section 27A-6.5, as part of a charter school contract,
25 the charter school and the local school board shall agree on

1 funding and any services to be provided by the school district
2 to the charter school. Agreed funding that a charter school is
3 to receive from the local school board for a school year shall
4 be paid in equal quarterly installments with the payment of the
5 installment for the first quarter being made not later than
6 July 1, unless the charter establishes a different payment
7 schedule. However, if a charter school dismisses a pupil from
8 the charter school after receiving a quarterly payment, the
9 charter school shall return to the school district, on a
10 quarterly basis, the prorated portion of public funding
11 provided for the education of that pupil for the time the
12 student is not enrolled at the charter school. Likewise, if a
13 pupil transfers to a charter school between quarterly payments,
14 the school district shall provide, on a quarterly basis, a
15 prorated portion of the public funding to the charter school to
16 provide for the education of that pupil.

17 All services centrally or otherwise provided by the school
18 district including, but not limited to, rent, food services,
19 custodial services, maintenance, curriculum, media services,
20 libraries, transportation, and warehousing shall be subject to
21 negotiation between a charter school and the local school board
22 and paid for out of the revenues negotiated pursuant to this
23 subsection (b); provided that the local school board shall not
24 attempt, by negotiation or otherwise, to obligate a charter
25 school to provide pupil transportation for pupils for whom a
26 district is not required to provide transportation under the

1 criteria set forth in subsection (a) (13) of Section 27A-7.

2 In no event shall the funding be less than 75% or more than
3 125% of the school district's per capita student tuition
4 multiplied by the number of students residing in the district
5 who are enrolled in the charter school.

6 It is the intent of the General Assembly that funding and
7 service agreements under this subsection (b) shall be neither a
8 financial incentive nor a financial disincentive to the
9 establishment of a charter school.

10 The charter school may set and collect reasonable fees.
11 Fees collected from students enrolled at a charter school shall
12 be retained by the charter school.

13 (c) Notwithstanding subsection (b) of this Section, the
14 proportionate share of State and federal resources generated by
15 students with disabilities or staff serving them shall be
16 directed to charter schools enrolling those students by their
17 school districts or administrative units. The proportionate
18 share of moneys generated under other federal or State
19 categorical aid programs shall be directed to charter schools
20 serving students eligible for that aid.

21 (d) The governing body of a charter school is authorized to
22 accept gifts, donations, or grants of any kind made to the
23 charter school and to expend or use gifts, donations, or grants
24 in accordance with the conditions prescribed by the donor;
25 however, a gift, donation, or grant may not be accepted by the
26 governing body if it is subject to any condition contrary to

1 applicable law or contrary to the terms of the contract between
2 the charter school and the local school board. Charter schools
3 shall be encouraged to solicit and utilize community volunteer
4 speakers and other instructional resources when providing
5 instruction on the Holocaust and other historical events.

6 (e) (Blank).

7 (f) The Commission shall provide technical assistance to
8 persons and groups preparing or revising charter applications.

9 (g) At the non-renewal or revocation of its charter, each
10 charter school shall refund to the local board of education all
11 unspent funds.

12 (h) A charter school is authorized to incur temporary,
13 short term debt to pay operating expenses in anticipation of
14 receipt of funds from the local school board.

15 (Source: P.A. 98-640, eff. 6-9-14; 98-739, eff. 7-16-14;
16 revised 10-1-14.)

17 (105 ILCS 5/30-14.2) (from Ch. 122, par. 30-14.2)

18 Sec. 30-14.2. MIA/POW scholarships.

19 (a) Any spouse, natural child, legally adopted child, or
20 ~~any~~ step-child of an eligible veteran or serviceperson who
21 possesses all necessary entrance requirements shall, upon
22 application and proper proof, be awarded a MIA/POW Scholarship
23 consisting of the equivalent of 4 calendar years of full-time
24 enrollment including summer terms, to the state supported
25 Illinois institution of higher learning of his choice, subject

1 to the restrictions listed below.

2 "Eligible veteran or serviceperson" means any veteran or
3 serviceperson, including an Illinois National Guard member who
4 is on active duty or is active on a training assignment, who
5 has been declared by the U.S. Department of Defense or the U.S.
6 Department of Veterans' Affairs to be a prisoner of war, be
7 missing in action, have died as the result of a
8 service-connected disability or 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 5/34-85) (from Ch. 122, par. 34-85)

3 Sec. 34-85. Removal for cause; Notice and hearing;
4 Suspension.

5 (a) No teacher employed by the board of education shall
6 (after serving the probationary period specified in Section
7 34-84) be removed except for cause. Teachers (who have
8 completed the probationary period specified in Section 34-84 of
9 this Code) shall be removed for cause in accordance with the
10 procedures set forth in this Section or, at the board's option,
11 the procedures set forth in Section 24-16.5 of this Code or
12 such other procedures established in an agreement entered into
13 between the board and the exclusive representative of the
14 district's teachers under Section 34-85c of this Code for
15 teachers (who have completed the probationary period specified
16 in Section 34-84 of this Code) assigned to schools identified
17 in that agreement. No principal employed by the board of
18 education shall be removed during the term of his or her
19 performance contract except for cause, which may include but is
20 not limited to the principal's repeated failure to implement
21 the school improvement plan or to comply with the provisions of
22 the Uniform Performance Contract, including additional
23 criteria established by the Council for inclusion in the
24 performance contract pursuant to Section 34-2.3.

25 Before service of notice of charges on account of causes

1 that may be deemed to be remediable, the teacher or principal
2 must be given reasonable warning in writing, stating
3 specifically the causes that, if not removed, may result in
4 charges; however, no such written warning is required if the
5 causes have been the subject of a remediation plan pursuant to
6 Article 24A of this Code or if the board and the exclusive
7 representative of the district's teachers have entered into an
8 agreement pursuant to Section 34-85c of this Code, pursuant to
9 an alternative system of remediation. No written warning shall
10 be required for conduct on the part of a teacher or principal
11 that is cruel, immoral, negligent, or criminal or that in any
12 way causes psychological or physical harm or injury to a
13 student, as that conduct is deemed to be irremediable. No
14 written warning shall be required for a material breach of the
15 uniform principal performance contract, as that conduct is
16 deemed to be irremediable; provided that not less than 30 days
17 before the vote of the local school council to seek the
18 dismissal of a principal for a material breach of a uniform
19 principal performance contract, the local school council shall
20 specify the nature of the alleged breach in writing and provide
21 a copy of it to the principal.

22 (1) To initiate dismissal proceedings against a
23 teacher or principal, the general superintendent must
24 first approve written charges and specifications against
25 the teacher or principal. A local school council may direct
26 the general superintendent to approve written charges

1 against its principal on behalf of the Council upon the
2 vote of 7 members of the Council. The general
3 superintendent must approve those charges within 45
4 calendar days or provide a written reason for not approving
5 those charges. A written notice of those charges, including
6 specifications, shall be served upon the teacher or
7 principal within 10 business days of the approval of the
8 charges. Any written notice sent on or after July 1, 2012
9 shall also inform the teacher or principal of the right to
10 request a hearing before a mutually selected hearing
11 officer, with the cost of the hearing officer split equally
12 between the teacher or principal and the board, or a
13 hearing before a qualified hearing officer chosen by the
14 general superintendent, with the cost of the hearing
15 officer paid by the board. If the teacher or principal
16 cannot be found upon diligent inquiry, such charges may be
17 served upon him by mailing a copy thereof in a sealed
18 envelope by prepaid certified mail, return receipt
19 requested, to the teacher's or principal's last known
20 address. A return receipt showing delivery to such address
21 within 20 calendar days after the date of the approval of
22 the charges shall constitute proof of service.

23 (2) No hearing upon the charges is required unless the
24 teacher or principal within 17 calendar days after
25 receiving notice requests in writing of the general
26 superintendent that a hearing be scheduled. Pending the

1 hearing of the charges, the general superintendent or his
2 or her designee may suspend the teacher or principal
3 charged without pay in accordance with rules prescribed by
4 the board, provided that if the teacher or principal
5 charged is not dismissed based on the charges, he or she
6 must be made whole for lost earnings, less setoffs for
7 mitigation.

8 (3) The board shall maintain a list of at least 9
9 qualified hearing officers who will conduct hearings on
10 charges and specifications. The list must be developed in
11 good faith consultation with the exclusive representative
12 of the board's teachers and professional associations that
13 represent the board's principals. The list may be revised
14 on July 1st of each year or earlier as needed. To be a
15 qualified hearing officer, the person must (i) be
16 accredited by a national arbitration organization and have
17 had a minimum of 5 years of experience as an arbitrator in
18 cases involving labor and employment relations matters
19 between employers and employees or their exclusive
20 bargaining representatives and (ii) beginning September 1,
21 2012, have participated in training provided or approved by
22 the State Board of Education for teacher dismissal hearing
23 officers so that he or she is familiar with issues
24 generally involved in evaluative and non-evaluative
25 dismissals.

26 ~~(3)~~ Within 5 business days after receiving the notice

1 of request for a hearing, the general superintendent and
2 the teacher or principal or their legal representatives
3 shall alternately strike one name from the list until only
4 one name remains. Unless waived by the teacher, the teacher
5 or principal shall have the right to proceed first with the
6 striking. If the teacher or principal fails to participate
7 in the striking process, the general superintendent shall
8 either select the hearing officer from the list developed
9 pursuant to this paragraph (3) or select another qualified
10 hearing officer from the master list maintained by the
11 State Board of Education pursuant to subsection (c) of
12 Section 24-12 of this Code.

13 (4) If the notice of dismissal was sent to the teacher
14 or principal before July 1, 2012, the fees and costs for
15 the hearing officer shall be paid by the State Board of
16 Education. If the notice of dismissal was sent to the
17 teacher or principal on or after July 1, 2012, the hearing
18 officer's fees and costs must be paid as follows in this
19 paragraph (4). The fees and permissible costs for the
20 hearing officer shall be determined by the State Board of
21 Education. If the hearing officer is mutually selected by
22 the parties through alternate striking in accordance with
23 paragraph (3) of this subsection (a), then the board and
24 the teacher or their legal representative shall each pay
25 50% of the fees and costs and any supplemental allowance to
26 which they agree. If the hearing officer is selected by the

1 general superintendent without the participation of the
2 teacher or principal, then the board shall pay 100% of the
3 hearing officer fees and costs. The hearing officer shall
4 submit for payment a billing statement to the parties that
5 itemizes the charges and expenses and divides them in
6 accordance with this Section.

7 (5) The teacher or the principal charged is required to
8 answer the charges and specifications and aver affirmative
9 matters in his or her defense, and the time for doing so
10 must be set by the hearing officer. The State Board of
11 Education shall adopt rules so that each party has a fair
12 opportunity to present its case and to ensure that the
13 dismissal proceeding is concluded in an expeditious
14 manner. The rules shall address, without limitation, the
15 teacher or principal's answer and affirmative defenses to
16 the charges and specifications; a requirement that each
17 party make mandatory disclosures without request to the
18 other party and then update the disclosure no later than 10
19 calendar days prior to the commencement of the hearing,
20 including a list of the names and addresses of persons who
21 may be called as witnesses at the hearing, a summary of the
22 facts or opinions each witness will testify to, and all
23 other documents and materials, including information
24 maintained electronically, relevant to its own as well as
25 the other party's case (the hearing officer may exclude
26 witnesses and exhibits not identified and shared, except

1 those offered in rebuttal for which the party could not
2 reasonably have anticipated prior to the hearing);
3 pre-hearing discovery and preparation, including provision
4 for written interrogatories and requests for production of
5 documents, provided that discovery depositions are
6 prohibited; the conduct of the hearing; the right of each
7 party to be represented by counsel, the offer of evidence
8 and witnesses and the cross-examination of witnesses; the
9 authority of the hearing officer to issue subpoenas and
10 subpoenas duces tecum, provided that the hearing officer
11 may limit the number of witnesses to be subpoenaed in
12 behalf of each party to no more than 7; the length of
13 post-hearing briefs; and the form, length, and content of
14 hearing officers' reports and recommendations to the
15 general superintendent.

16 The hearing officer shall commence the hearing within
17 75 calendar days and conclude the hearing within 120
18 calendar days after being selected by the parties as the
19 hearing officer, provided that these timelines may be
20 modified upon the showing of good cause or mutual agreement
21 of the parties. Good cause for the purposes of this
22 paragraph (5) shall mean the illness or otherwise
23 unavoidable emergency of the teacher, district
24 representative, their legal representatives, the hearing
25 officer, or an essential witness as indicated in each
26 party's pre-hearing submission. In a dismissal hearing,

1 the hearing officer shall consider and give weight to all
2 of the teacher's evaluations written pursuant to Article
3 24A that are relevant to the issues in the hearing. The
4 teacher or principal has the privilege of being present at
5 the hearing with counsel and of cross-examining witnesses
6 and may offer evidence and witnesses and present defenses
7 to the charges. Each party shall have no more than 3 days
8 to present its case, unless extended by the hearing officer
9 to enable a party to present adequate evidence and
10 testimony, including due to the other party's
11 cross-examination of the party's witnesses, for good cause
12 or by mutual agreement of the parties. The State Board of
13 Education shall define in rules the meaning of "day" for
14 such purposes. All testimony at the hearing shall be taken
15 under oath administered by the hearing officer. The hearing
16 officer shall cause a record of the proceedings to be kept
17 and shall employ a competent reporter to take stenographic
18 or stenotype notes of all the testimony. The costs of the
19 reporter's attendance and services at the hearing shall be
20 paid by the party or parties who are paying the fees and
21 costs of the hearing officer. Either party desiring a
22 transcript of the hearing shall pay for the cost thereof.
23 At the close of the hearing, the hearing officer shall
24 direct the parties to submit post-hearing briefs no later
25 than 21 calendar days after receipt of the transcript.
26 Either or both parties may waive submission of briefs.

1 (6) The hearing officer shall within 30 calendar days
2 from the conclusion of the hearing report to the general
3 superintendent findings of fact and a recommendation as to
4 whether or not the teacher or principal shall be dismissed
5 and shall give a copy of the report to both the teacher or
6 principal and the general superintendent. The State Board
7 of Education shall provide by rule the form of the hearing
8 officer's report and recommendation.

9 (7) The board, within 45 days of receipt of the hearing
10 officer's findings of fact and recommendation, shall make a
11 decision as to whether the teacher or principal shall be
12 dismissed from its employ. The failure of the board to
13 strictly adhere to the timeliness contained herein shall
14 not render it without jurisdiction to dismiss the teacher
15 or principal. In the event that the board declines to
16 dismiss the teacher or principal after review of a hearing
17 officer's recommendation, the board shall set the amount of
18 back pay and benefits to award the teacher or principal,
19 which shall include offsets for interim earnings and
20 failure to mitigate losses. The board shall establish
21 procedures for the teacher's or principal's submission of
22 evidence to it regarding lost earnings, lost benefits,
23 mitigation, and offsets. The decision of the board is final
24 unless reviewed in accordance with paragraph (8) of this
25 subsection (a).

26 (8) The teacher may seek judicial review of the board's

1 decision in accordance with the Administrative Review Law,
2 which is specifically incorporated in this Section, except
3 that the review must be initiated in the Illinois Appellate
4 Court for the First District. In the event judicial review
5 is instituted, any costs of preparing and filing the record
6 of proceedings shall be paid by the party instituting the
7 review. In the event the appellate court reverses a board
8 decision to dismiss a teacher or principal and directs the
9 board to pay the teacher or the principal back pay and
10 benefits, the appellate court shall remand the matter to
11 the board to issue an administrative decision as to the
12 amount of back pay and benefits, which shall include a
13 calculation of the lost earnings, lost benefits,
14 mitigation, and offsets based on evidence submitted to the
15 board in accordance with procedures established by the
16 board.

17 (b) Nothing in this Section affects the validity of removal
18 for cause hearings commenced prior to June 13, 2011 (the
19 effective date of Public Act 97-8) ~~this amendatory Act of the~~
20 ~~97th General Assembly.~~

21 The changes made by Public Act 97-8 ~~this amendatory Act of~~
22 ~~the 97th General Assembly~~ shall apply to dismissals instituted
23 on or after September 1, 2011 or the effective date of Public
24 Act 97-8 ~~this amendatory Act of the 97th General Assembly,~~
25 whichever is later. Any dismissal instituted prior to the
26 effective date of these changes must be carried out in

1 accordance with the requirements of this Section prior to
2 amendment by Public Act 97-8 ~~this amendatory Act of 97th~~
3 ~~General Assembly.~~

4 (Source: P.A. 97-8, eff. 6-13-11; revised 12-1-14.)

5 Section 195. The Illinois School Student Records Act is
6 amended by changing Section 6 as follows:

7 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

8 Sec. 6. (a) No school student records or information
9 contained therein may be released, transferred, disclosed or
10 otherwise disseminated, except as follows:

11 (1) to ~~to~~ a parent or student or person specifically
12 designated as a representative by a parent, as provided in
13 paragraph (a) of Section 5;

14 (2) to ~~to~~ an employee or official of the school or
15 school district or State Board with current demonstrable
16 educational or administrative interest in the student, in
17 furtherance of such interest;

18 (3) to ~~to~~ the official records custodian of another
19 school within Illinois or an official with similar
20 responsibilities of a school outside Illinois, in which the
21 student has enrolled, or intends to enroll, upon the
22 request of such official or student;

23 (4) to ~~to~~ any person for the purpose of research,
24 statistical reporting, or planning, provided that such

1 research, statistical reporting, or planning is
2 permissible under and undertaken in accordance with the
3 federal Family Educational Rights and Privacy Act (20
4 U.S.C. 1232g);

5 (5) pursuant ~~Pursuant~~ to a court order, provided that
6 the parent shall be given prompt written notice upon
7 receipt of such order of the terms of the order, the nature
8 and substance of the information proposed to be released in
9 compliance with such order and an opportunity to inspect
10 and copy the school student records and to challenge their
11 contents pursuant to Section 7;

12 (6) to ~~to~~ any person as specifically required by State
13 or federal law;

14 (6.5) to ~~to~~ juvenile authorities when necessary for the
15 discharge of their official duties who request information
16 prior to adjudication of the student and who certify in
17 writing that the information will not be disclosed to any
18 other party except as provided under law or order of court.
19 For purposes of this Section "juvenile authorities" means:
20 (i) a judge of the circuit court and members of the staff
21 of the court designated by the judge; (ii) parties to the
22 proceedings under the Juvenile Court Act of 1987 and their
23 attorneys; (iii) probation officers and court appointed
24 advocates for the juvenile authorized by the judge hearing
25 the case; (iv) any individual, public or private agency
26 having custody of the child pursuant to court order; (v)

1 any individual, public or private agency providing
2 education, medical or mental health service to the child
3 when the requested information is needed to determine the
4 appropriate service or treatment for the minor; (vi) any
5 potential placement provider when such release is
6 authorized by the court for the limited purpose of
7 determining the appropriateness of the potential
8 placement; (vii) law enforcement officers and prosecutors;
9 (viii) adult and juvenile prisoner review boards; (ix)
10 authorized military personnel; (x) individuals authorized
11 by court;

12 (7) subject ~~Subject~~ to regulations of the State Board,
13 in connection with an emergency, to appropriate persons if
14 the knowledge of such information is necessary to protect
15 the health or safety of the student or other persons;

16 (8) to ~~to~~ any person, with the prior specific dated
17 written consent of the parent designating the person to
18 whom the records may be released, provided that at the time
19 any such consent is requested or obtained, the parent shall
20 be advised in writing that he has the right to inspect and
21 copy such records in accordance with Section 5, to
22 challenge their contents in accordance with Section 7 and
23 to limit any such consent to designated records or
24 designated portions of the information contained therein;

25 (9) to ~~to~~ a governmental agency, or social service
26 agency contracted by a governmental agency, in furtherance

1 of an investigation of a student's school attendance
2 pursuant to the compulsory student attendance laws of this
3 State, provided that the records are released to the
4 employee or agent designated by the agency;

5 (10) to ~~to~~ those SHOCAP committee members who fall
6 within the meaning of "state and local officials and
7 authorities", as those terms are used within the meaning of
8 the federal Family Educational Rights and Privacy Act, for
9 the purposes of identifying serious habitual juvenile
10 offenders and matching those offenders with community
11 resources pursuant to Section 5-145 of the Juvenile Court
12 Act of 1987, but only to the extent that the release,
13 transfer, disclosure, or dissemination is consistent with
14 the Family Educational Rights and Privacy Act;

15 (11) to ~~to~~ the Department of Healthcare and Family
16 Services in furtherance of the requirements of Section
17 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
18 Section 10 of the School Breakfast and Lunch Program Act;
19 or

20 (12) to ~~to~~ the State Board or another State government
21 agency or between or among State government agencies in
22 order to evaluate or audit federal and State programs or
23 perform research and planning, but only to the extent that
24 the release, transfer, disclosure, or dissemination is
25 consistent with the federal Family Educational Rights and
26 Privacy Act (20 U.S.C. 1232g).

1 (b) No information may be released pursuant to subparagraph
2 ~~subparagraphs~~ (3) or (6) of paragraph (a) of this Section 6
3 unless the parent receives prior written notice of the nature
4 and substance of the information proposed to be released, and
5 an opportunity to inspect and copy such records in accordance
6 with Section 5 and to challenge their contents in accordance
7 with Section 7. Provided, however, that such notice shall be
8 sufficient if published in a local newspaper of general
9 circulation or other publication directed generally to the
10 parents involved where the proposed release of information is
11 pursuant to subparagraph (6) ~~6~~ of paragraph (a) of ~~in~~ this
12 Section 6 and relates to more than 25 students.

13 (c) A record of any release of information pursuant to this
14 Section must be made and kept as a part of the school student
15 record and subject to the access granted by Section 5. Such
16 record of release shall be maintained for the life of the
17 school student records and shall be available only to the
18 parent and the official records custodian. Each record of
19 release shall also include:

20 (1) the ~~The~~ nature and substance of the information
21 released;

22 (2) the ~~The~~ name and signature of the official records
23 custodian releasing such information;

24 (3) the ~~The~~ name of the person requesting such
25 information, the capacity in which such a request has been
26 made, and the purpose of such request;

1 (4) ~~the~~ the date of the release; and

2 (5) a ~~A~~ copy of any consent to such release.

3 (d) Except for the student and his parents, no person to
4 whom information is released pursuant to this Section and no
5 person specifically designated as a representative by a parent
6 may permit any other person to have access to such information
7 without a prior consent of the parent obtained in accordance
8 with the requirements of subparagraph (8) of paragraph (a) of
9 this Section.

10 (e) Nothing contained in this Act shall prohibit the
11 publication of student directories which list student names,
12 addresses and other identifying information and similar
13 publications which comply with regulations issued by the State
14 Board.

15 (Source: P.A. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09;
16 96-107, eff. 7-30-09; 96-1000, eff. 7-2-10; revised 11-26-14.)

17 Section 200. The Critical Health Problems and
18 Comprehensive Health Education Act is amended by changing
19 Section 2 as follows:

20 (105 ILCS 110/2) (from Ch. 122, par. 862)

21 Sec. 2. Definitions. The following term has ~~terms shall~~
22 ~~have~~ the following meaning ~~meanings respectively prescribed~~
23 ~~for them~~, except as the context otherwise requires:

24 ~~(a)~~ "Comprehensive Health Education Program": a systematic

1 and extensive educational program designed to provide a variety
2 of learning experiences based upon scientific knowledge of the
3 human organism as it functions within its environment which
4 will favorably influence the knowledge, attitudes, values and
5 practices of Illinois school youth; and which will aid them in
6 making wise personal decisions in matters of health.

7 (Source: P.A. 77-1405; revised 11-26-14.)

8 Section 205. The School Safety Drill Act is amended by
9 changing Section 25 as follows:

10 (105 ILCS 128/25)

11 Sec. 25. Annual review.

12 (a) Each public school district, through its school board
13 or the board's designee, shall conduct a minimum of one annual
14 meeting at which it will review each school building's
15 emergency and crisis response plans, protocols, and procedures
16 and each building's compliance with the school safety drill
17 programs. The purpose of this annual review shall be to review
18 and update the emergency and crisis response plans, protocols,
19 and procedures and the school safety drill programs of the
20 district and each of its school buildings. This review must be
21 at no cost to the school district. In updating a school
22 building's emergency and crisis response plans, consideration
23 may be given to making the emergency and crisis response plans
24 available to first responders, administrators, and teachers

1 for implementation and utilization through the use of
2 electronic applications on electronic devices, including, but
3 not limited to, smartphones, tablets, and laptop computers.

4 (b) Each school board or the board's designee is required
5 to participate in the annual review and to invite each of the
6 following parties to the annual review and provide each party
7 with a minimum of 30 days' ~~30 days'~~ notice before the date of
8 the annual review:

9 (1) The principal of each school within the school
10 district or his or her official designee.

11 (2) Representatives from any other education-related
12 organization or association deemed appropriate by the
13 school district.

14 (3) Representatives from all local first responder
15 organizations to participate, advise, and consult in the
16 review process, including, but not limited to:

17 (A) the appropriate local fire department or
18 district;

19 (B) the appropriate local law enforcement agency;

20 (C) the appropriate local emergency medical
21 services agency if the agency is a separate, local
22 first responder unit; and

23 (D) any other member of the first responder or
24 emergency management community that has contacted the
25 district superintendent or his or her designee during
26 the past year to request involvement in a school's

1 emergency planning or drill process.

2 (4) The school board or its designee may also choose to
3 invite to the annual review any other persons whom it
4 believes will aid in the review process, including, but not
5 limited to, any members of any other education-related
6 organization or the first responder or emergency
7 management community.

8 (c) Upon the conclusion of the annual review, the school
9 board or the board's designee shall sign a one page report,
10 which may be in either a check-off format or a narrative
11 format, that does the following:

12 (1) summarizes the review's recommended changes to the
13 existing school safety plans and drill plans;

14 (2) lists the parties that participated in the annual
15 review, and includes the annual review's attendance
16 record;

17 (3) certifies that an effective review of the emergency
18 and crisis response plans, protocols, and procedures and
19 the school safety drill programs of the district and each
20 of its school buildings has occurred;

21 (4) states that the school district will implement
22 those plans, protocols, procedures, and programs, during
23 the academic year; and

24 (5) includes the authorization of the school board or
25 the board's designee.

26 (d) The school board or its designee shall send a copy of

1 the report to each party that participates in the annual review
2 process and to the appropriate regional superintendent of
3 schools. If any of the participating parties have comments on
4 the certification document, those parties shall submit their
5 comments in writing to the appropriate regional
6 superintendent. The regional superintendent shall maintain a
7 record of these comments. The certification document may be in
8 a check-off format or narrative format, at the discretion of
9 the district superintendent.

10 (e) The review must occur at least once during the fiscal
11 year, at a specific time chosen at the school district
12 superintendent's discretion.

13 (f) A private school shall conduct a minimum of one annual
14 meeting at which the school must review each school building's
15 emergency and crisis response plans, protocols, and procedures
16 and each building's compliance with the school safety drill
17 programs of the school. The purpose of this annual review shall
18 be to review and update the emergency and crisis response
19 plans, protocols, and procedures and the school safety drill
20 programs of the school. This review must be at no cost to the
21 private school.

22 The private school shall invite representatives from all
23 local first responder organizations to participate, advise,
24 and consult in the review process, including, but not limited
25 to, the following:

26 (1) the appropriate local fire department or fire

1 protection district;

2 (2) the appropriate local law enforcement agency;

3 (3) the appropriate local emergency medical services
4 agency if the agency is a separate, local first responder
5 unit; and

6 (4) any other member of the first responder or
7 emergency management community that has contacted the
8 school's chief administrative officer or his or her
9 designee during the past year to request involvement in the
10 school's emergency planning or drill process.

11 (Source: P.A. 98-661, eff. 1-1-15; 98-663, eff. 6-23-14;
12 revised 7-15-14.)

13 Section 210. The Illinois Credit Union Act is amended by
14 changing Sections 46 and 57.1 as follows:

15 (205 ILCS 305/46) (from Ch. 17, par. 4447)

16 Sec. 46. Loans and interest rate.

17 (1) A credit union may make loans to its members for such
18 purpose and upon such security and terms, including rates of
19 interest, as the credit committee, credit manager, or loan
20 officer approves. Notwithstanding the provisions of any other
21 law in connection with extensions of credit, a credit union may
22 elect to contract for and receive interest and fees and other
23 charges for extensions of credit subject only to the provisions
24 of this Act and rules promulgated under this Act, except that

1 extensions of credit secured by residential real estate shall
2 be subject to the laws applicable thereto. The rates of
3 interest to be charged on loans to members shall be set by the
4 board of directors of each individual credit union in
5 accordance with Section 30 of this Act and such rates may be
6 less than, but may not exceed, the maximum rate set forth in
7 this Section. A borrower may repay his loan prior to maturity,
8 in whole or in part, without penalty. The credit contract may
9 provide for the payment by the member and receipt by the credit
10 union of all costs and disbursements, including reasonable
11 attorney's fees and collection agency charges, incurred by the
12 credit union to collect or enforce the debt in the event of a
13 delinquency by the member, or in the event of a breach of any
14 obligation of the member under the credit contract. A
15 contingency or hourly arrangement established under an
16 agreement entered into by a credit union with an attorney or
17 collection agency to collect a loan of a member in default
18 shall be presumed prima facie reasonable.

19 (2) Credit unions may make loans based upon the security of
20 any interest or equity in real estate, subject to rules and
21 regulations promulgated by the Secretary. In any contract or
22 loan which is secured by a mortgage, deed of trust, or
23 conveyance in the nature of a mortgage, on residential real
24 estate, the interest which is computed, calculated, charged, or
25 collected pursuant to such contract or loan, or pursuant to any
26 regulation or rule promulgated pursuant to this Act, may not be

1 computed, calculated, charged or collected for any period of
2 time occurring after the date on which the total indebtedness,
3 with the exception of late payment penalties, is paid in full.

4 For purposes of this subsection (2) of this Section 46, a
5 prepayment shall mean the payment of the total indebtedness,
6 with the exception of late payment penalties if incurred or
7 charged, on any date before the date specified in the contract
8 or loan agreement on which the total indebtedness shall be paid
9 in full, or before the date on which all payments, if timely
10 made, shall have been made. In the event of a prepayment of the
11 indebtedness which is made on a date after the date on which
12 interest on the indebtedness was last computed, calculated,
13 charged, or collected but before the next date on which
14 interest on the indebtedness was to be calculated, computed,
15 charged, or collected, the lender may calculate, charge and
16 collect interest on the indebtedness for the period which
17 elapsed between the date on which the prepayment is made and
18 the date on which interest on the indebtedness was last
19 computed, calculated, charged or collected at a rate equal to
20 $1/360$ of the annual rate for each day which so elapsed, which
21 rate shall be applied to the indebtedness outstanding as of the
22 date of prepayment. The lender shall refund to the borrower any
23 interest charged or collected which exceeds that which the
24 lender may charge or collect pursuant to the preceding
25 sentence. The provisions of this amendatory Act of 1985 shall
26 apply only to contracts or loans entered into on or after the

1 effective date of this amendatory Act.

2 (3) Notwithstanding any other provision of this Act, a
3 credit union authorized under this Act to make loans secured by
4 an interest or equity in real estate may engage in making
5 "reverse mortgage" loans to persons for the purpose of making
6 home improvements or repairs, paying insurance premiums or
7 paying real estate taxes on the homestead properties of such
8 persons. If made, such loans shall be made on such terms and
9 conditions as the credit union shall determine and as shall be
10 consistent with the provisions of this Section and such rules
11 and regulations as the Secretary shall promulgate hereunder.
12 For purposes of this Section, a "reverse mortgage" loan shall
13 be a loan extended on the basis of existing equity in homestead
14 property and secured by a mortgage on such property. Such loans
15 shall be repaid upon the sale of the property or upon the death
16 of the owner or, if the property is in joint tenancy, upon the
17 death of the last surviving joint tenant who had such an
18 interest in the property at the time the loan was initiated,
19 provided, however, that the credit union and its member may by
20 mutual agreement, establish other repayment terms. A credit
21 union, in making a "reverse mortgage" loan, may add deferred
22 interest to principal or otherwise provide for the charging of
23 interest or premiums on such deferred interest. "Homestead"
24 property, for purposes of this Section, means the domicile and
25 contiguous real estate owned and occupied by the mortgagor.

26 (4) Notwithstanding any other provisions of this Act, a

1 credit union authorized under this Act to make loans secured by
2 an interest or equity in real property may engage in making
3 revolving credit loans secured by mortgages or deeds of trust
4 on such real property or by security assignments of beneficial
5 interests in land trusts.

6 For purposes of this Section, "revolving credit" has the
7 meaning defined in Section 4.1 of the Interest Act.

8 Any mortgage or deed of trust given to secure a revolving
9 credit loan may, and when so expressed therein shall, secure
10 not only the existing indebtedness but also such future
11 advances, whether such advances are obligatory or to be made at
12 the option of the lender, or otherwise, as are made within
13 twenty years from the date thereof, to the same extent as if
14 such future advances were made on the date of the execution of
15 such mortgage or deed of trust, although there may be no
16 advance made at the time of execution of such mortgage or other
17 instrument, and although there may be no indebtedness
18 outstanding at the time any advance is made. The lien of such
19 mortgage or deed of trust, as to third persons without actual
20 notice thereof, shall be valid as to all such indebtedness and
21 future advances from the time said mortgage or deed of trust is
22 filed for record in the office of the recorder of deeds or the
23 registrar of titles of the county where the real property
24 described therein is located. The total amount of indebtedness
25 that may be so secured may increase or decrease from time to
26 time, but the total unpaid balance so secured at any one time

1 shall not exceed a maximum principal amount which must be
2 specified in such mortgage or deed of trust, plus interest
3 thereon, and any disbursements made for the payment of taxes,
4 special assessments, or insurance on said real property, with
5 interest on such disbursements.

6 Any such mortgage or deed of trust shall be valid and have
7 priority over all subsequent liens and encumbrances, including
8 statutory liens, except taxes and assessments levied on said
9 real property.

10 (4-5) For purposes of this Section, "real estate" and "real
11 property" include a manufactured home as defined in subdivision
12 (53) of Section 9-102 of the Uniform Commercial Code which is
13 real property as defined in Section 5-35 of the Conveyance and
14 Encumbrance of Manufactured Homes as Real Property and
15 Severance Act.

16 (5) Compliance with federal or Illinois preemptive laws or
17 regulations governing loans made by a credit union chartered
18 under this Act shall constitute compliance with this Act.

19 (6) Credit unions may make residential real estate mortgage
20 loans on terms and conditions established by the United States
21 Department of Agriculture through its Rural Development
22 Housing and Community Facilities Program. The portion of any
23 loan in excess of the appraised value of the real estate shall
24 be allocable only to the guarantee fee required under the
25 program.

26 (7) For a renewal, refinancing, or restructuring of an

1 existing loan that is secured by an interest or equity in real
2 estate, a new appraisal of the collateral shall not be required
3 when the transaction involves an existing extension of credit
4 at the credit union, no new moneys are advanced other than
5 funds necessary to cover reasonable closing costs, and there
6 has been no obvious or material change in market conditions or
7 physical aspects of the real estate that threatens the adequacy
8 of the credit union's real estate collateral protection after
9 the transaction.

10 (Source: P.A. 97-133, eff. 1-1-12; 98-749, eff. 7-16-14;
11 98-784, eff. 7-24-14; revised 10-2-14.)

12 (205 ILCS 305/57.1)

13 Sec. 57.1. Services to other credit unions.

14 (a) A credit union may act as a representative of and enter
15 into an agreement with credit unions or other organizations for
16 the purposes ~~purpose~~ of:

17 (1) sharing, utilizing, renting, leasing, purchasing,
18 selling, and joint ownership of fixed assets or engaging in
19 activities and services that relate to the daily operations
20 of credit unions; and

21 (2) providing correspondent services to other credit
22 unions that the service provider credit union is authorized
23 to perform for its own members or as part of its
24 operations, including, but not limited to, loan
25 processing, loan servicing, member check cashing services,

1 disbursing share withdrawals and loan proceeds, cashing
2 and selling money orders, ACH and wire transfer services,
3 coin and currency services, performing internal audits,
4 and automated teller machine deposit services.

5 (Source: P.A. 98-784, eff. 7-24-14; revised 11-26-14.)

6 Section 215. The Residential Mortgage License Act of 1987
7 is amended by changing Section 1-4 as follows:

8 (205 ILCS 635/1-4)

9 Sec. 1-4. Definitions. The following words and phrases have
10 the meanings given to them in this Section:

11 (a) "Residential real property" or "residential real
12 estate" shall mean any real property located in Illinois,
13 upon which is constructed or intended to be constructed a
14 dwelling. Those terms include a manufactured home as
15 defined in subdivision (53) of Section 9-102 of the Uniform
16 Commercial Code which is real property as defined in
17 Section 5-35 of the Conveyance and Encumbrance of
18 Manufactured Homes as Real Property and Severance Act.

19 (b) "Making a residential mortgage loan" or "funding a
20 residential mortgage loan" shall mean for compensation or
21 gain, either directly or indirectly, advancing funds or
22 making a commitment to advance funds to a loan applicant
23 for a residential mortgage loan.

24 (c) "Soliciting, processing, placing, or negotiating a

1 residential mortgage loan" shall mean for compensation or
2 gain, either directly or indirectly, accepting or offering
3 to accept an application for a residential mortgage loan,
4 assisting or offering to assist in the processing of an
5 application for a residential mortgage loan on behalf of a
6 borrower, or negotiating or offering to negotiate the terms
7 or conditions of a residential mortgage loan with a lender
8 on behalf of a borrower including, but not limited to, the
9 submission of credit packages for the approval of lenders,
10 the preparation of residential mortgage loan closing
11 documents, including a closing in the name of a broker.

12 (d) "Exempt person or entity" shall mean the following:

13 (1) (i) Any banking organization or foreign
14 banking corporation licensed by the Illinois
15 Commissioner of Banks and Real Estate or the United
16 States Comptroller of the Currency to transact
17 business in this State; (ii) any national bank,
18 federally chartered savings and loan association,
19 federal savings bank, federal credit union; (iii)
20 (blank); (iv) any bank, savings and loan association,
21 savings bank, or credit union organized under the laws
22 of this or any other state; (v) any Illinois Consumer
23 Installment Loan Act licensee; (vi) any insurance
24 company authorized to transact business in this State;
25 (vii) any entity engaged solely in commercial mortgage
26 lending; (viii) any service corporation of a savings

1 and loan association or savings bank organized under
2 the laws of this State or the service corporation of a
3 federally chartered savings and loan association or
4 savings bank having its principal place of business in
5 this State, other than a service corporation licensed
6 or entitled to reciprocity under the Real Estate
7 License Act of 2000; or (ix) any first tier subsidiary
8 of a bank, the charter of which is issued under the
9 Illinois Banking Act by the Illinois Commissioner of
10 Banks and Real Estate, or the first tier subsidiary of
11 a bank chartered by the United States Comptroller of
12 the Currency and that has its principal place of
13 business in this State, provided that the first tier
14 subsidiary is regularly examined by the Illinois
15 Commissioner of Banks and Real Estate or the
16 Comptroller of the Currency, or a consumer compliance
17 examination is regularly conducted by the Federal
18 Reserve Board.

19 (1.5) Any employee of a person or entity mentioned
20 in item (1) of this subsection, when acting for such
21 person or entity, or any registered mortgage loan
22 originator when acting for an entity described in
23 subsection (tt) of this Section.

24 (1.8) Any person or entity that does not originate
25 mortgage loans in the ordinary course of business, but
26 makes or acquires residential mortgage loans with his

1 or her own funds for his or her or its own investment
2 without intent to make, acquire, or resell more than 3
3 residential mortgage loans in any one calendar year.

4 (2) (Blank).

5 (3) Any person employed by a licensee to assist in
6 the performance of the residential mortgage licensee's
7 activities regulated by this Act who is compensated in
8 any manner by only one licensee.

9 (4) (Blank).

10 (5) Any individual, corporation, partnership, or
11 other entity that originates, services, or brokers
12 residential mortgage loans, as these activities are
13 defined in this Act, and who or which receives no
14 compensation for those activities, subject to the
15 Commissioner's regulations and the federal Secure and
16 Fair Enforcement for Mortgage Licensing Act of 2008 and
17 the rules promulgated under that Act with regard to the
18 nature and amount of compensation.

19 (6) (Blank).

20 (e) "Licensee" or "residential mortgage licensee"
21 shall mean a person, partnership, association,
22 corporation, or any other entity who or which is licensed
23 pursuant to this Act to engage in the activities regulated
24 by this Act.

25 (f) "Mortgage loan" "residential mortgage loan" or
26 "home mortgage loan" shall mean any loan primarily for

1 personal, family, or household use that is secured by a
2 mortgage, deed of trust, or other equivalent consensual
3 security interest on a dwelling as defined in Section
4 103(v) of the federal Truth in Lending Act, or residential
5 real estate upon which is constructed or intended to be
6 constructed a dwelling.

7 (g) "Lender" shall mean any person, partnership,
8 association, corporation, or any other entity who either
9 lends or invests money in residential mortgage loans.

10 (h) "Ultimate equitable owner" shall mean a person who,
11 directly or indirectly, owns or controls an ownership
12 interest in a corporation, foreign corporation, alien
13 business organization, trust, or any other form of business
14 organization regardless of whether the person owns or
15 controls the ownership interest through one or more persons
16 or one or more proxies, powers of attorney, nominees,
17 corporations, associations, partnerships, trusts, joint
18 stock companies, or other entities or devices, or any
19 combination thereof.

20 (i) "Residential mortgage financing transaction" shall
21 mean the negotiation, acquisition, sale, or arrangement
22 for or the offer to negotiate, acquire, sell, or arrange
23 for, a residential mortgage loan or residential mortgage
24 loan commitment.

25 (j) "Personal residence address" shall mean a street
26 address and shall not include a post office box number.

1 (k) "Residential mortgage loan commitment" shall mean
2 a contract for residential mortgage loan financing.

3 (l) "Party to a residential mortgage financing
4 transaction" shall mean a borrower, lender, or loan broker
5 in a residential mortgage financing transaction.

6 (m) "Payments" shall mean payment of all or any of the
7 following: principal, interest and escrow reserves for
8 taxes, insurance and other related reserves, and
9 reimbursement for lender advances.

10 (n) "Commissioner" shall mean the Commissioner of
11 Banks and Real Estate, except that, beginning on April 6,
12 2009 (the effective date of Public Act 95-1047), all
13 references in this Act to the Commissioner of Banks and
14 Real Estate are deemed, in appropriate contexts, to be
15 references to the Secretary of Financial and Professional
16 Regulation, or his or her designee, including the Director
17 of the Division of Banking of the Department of Financial
18 and Professional Regulation.

19 (n-1) "Director" shall mean the Director of the
20 Division of Banking of the Department of Financial and
21 Professional Regulation, except that, beginning on July
22 31, 2009 (the effective date of Public Act 96-112), all
23 references in this Act to the Director are deemed, in
24 appropriate contexts, to be the Secretary of Financial and
25 Professional Regulation, or his or her designee, including
26 the Director of the Division of Banking of the Department

1 of Financial and Professional Regulation.

2 (o) "Loan brokering", "brokering", or "brokerage
3 service" shall mean the act of helping to obtain from
4 another entity, for a borrower, a loan secured by
5 residential real estate situated in Illinois or assisting a
6 borrower in obtaining a loan secured by residential real
7 estate situated in Illinois in return for consideration to
8 be paid by either the borrower or the lender including, but
9 not limited to, contracting for the delivery of residential
10 mortgage loans to a third party lender and soliciting,
11 processing, placing, or negotiating residential mortgage
12 loans.

13 (p) "Loan broker" or "broker" shall mean a person,
14 partnership, association, corporation, or limited
15 liability company, other than those persons, partnerships,
16 associations, corporations, or limited liability companies
17 exempted from licensing pursuant to Section 1-4,
18 subsection (d), of this Act, who performs the activities
19 described in subsections (c), (o), and (yy) of this
20 Section.

21 (q) "Servicing" shall mean the collection or
22 remittance for or the right or obligation to collect or
23 remit for any lender, noteowner, noteholder, or for a
24 licensee's own account, of payments, interests, principal,
25 and trust items such as hazard insurance and taxes on a
26 residential mortgage loan in accordance with the terms of

1 the residential mortgage loan; and includes loan payment
2 follow-up, delinquency loan follow-up, loan analysis and
3 any notifications to the borrower that are necessary to
4 enable the borrower to keep the loan current and in good
5 standing. "Servicing" includes management of third-party
6 entities acting on behalf of a residential mortgage
7 licensee for the collection of delinquent payments and the
8 use by such third-party entities of said licensee's
9 servicing records or information, including their use in
10 foreclosure.

11 (r) "Full service office" shall mean an office,
12 provided by the licensee and not subleased from the
13 licensee's employees, and staff in Illinois reasonably
14 adequate to handle efficiently communications, questions,
15 and other matters relating to any application for, or an
16 existing home mortgage secured by residential real estate
17 situated in Illinois with respect to which the licensee is
18 brokering, funding originating, purchasing, or servicing.
19 The management and operation of each full service office
20 must include observance of good business practices such as
21 proper signage; adequate, organized, and accurate books
22 and records; ample phone lines, hours of business, staff
23 training and supervision, and provision for a mechanism to
24 resolve consumer inquiries, complaints, and problems. The
25 Commissioner shall issue regulations with regard to these
26 requirements and shall include an evaluation of compliance

1 with this Section in his or her periodic examination of
2 each licensee.

3 (s) "Purchasing" shall mean the purchase of
4 conventional or government-insured mortgage loans secured
5 by residential real estate situated in Illinois from either
6 the lender or from the secondary market.

7 (t) "Borrower" shall mean the person or persons who
8 seek the services of a loan broker, originator, or lender.

9 (u) "Originating" shall mean the issuing of
10 commitments for and funding of residential mortgage loans.

11 (v) "Loan brokerage agreement" shall mean a written
12 agreement in which a broker or loan broker agrees to do
13 either of the following:

14 (1) obtain a residential mortgage loan for the
15 borrower or assist the borrower in obtaining a
16 residential mortgage loan; or

17 (2) consider making a residential mortgage loan to
18 the borrower.

19 (w) "Advertisement" shall mean the attempt by
20 publication, dissemination, or circulation to induce,
21 directly or indirectly, any person to enter into a
22 residential mortgage loan agreement or residential
23 mortgage loan brokerage agreement relative to a mortgage
24 secured by residential real estate situated in Illinois.

25 (x) "Residential Mortgage Board" shall mean the
26 Residential Mortgage Board created in Section 1-5 of this

1 Act.

2 (y) "Government-insured mortgage loan" shall mean any
3 mortgage loan made on the security of residential real
4 estate insured by the Department of Housing and Urban
5 Development or Farmers Home Loan Administration, or
6 guaranteed by the Veterans Administration.

7 (z) "Annual audit" shall mean a certified audit of the
8 licensee's books and records and systems of internal
9 control performed by a certified public accountant in
10 accordance with generally accepted accounting principles
11 and generally accepted auditing standards.

12 (aa) "Financial institution" shall mean a savings and
13 loan association, savings bank, credit union, or a bank
14 organized under the laws of Illinois or a savings and loan
15 association, savings bank, credit union or a bank organized
16 under the laws of the United States and headquartered in
17 Illinois.

18 (bb) "Escrow agent" shall mean a third party,
19 individual or entity charged with the fiduciary obligation
20 for holding escrow funds on a residential mortgage loan
21 pending final payout of those funds in accordance with the
22 terms of the residential mortgage loan.

23 (cc) "Net worth" shall have the meaning ascribed
24 thereto in Section 3-5 of this Act.

25 (dd) "Affiliate" shall mean:

26 (1) any entity that directly controls or is

1 controlled by the licensee and any other company that
2 is directly affecting activities regulated by this Act
3 that is controlled by the company that controls the
4 licensee;

5 (2) any entity:

6 (A) that is controlled, directly or
7 indirectly, by a trust or otherwise, by or for the
8 benefit of shareholders who beneficially or
9 otherwise control, directly or indirectly, by
10 trust or otherwise, the licensee or any company
11 that controls the licensee; or

12 (B) a majority of the directors or trustees of
13 which constitute a majority of the persons holding
14 any such office with the licensee or any company
15 that controls the licensee;

16 (3) any company, including a real estate
17 investment trust, that is sponsored and advised on a
18 contractual basis by the licensee or any subsidiary or
19 affiliate of the licensee.

20 ~~The Commissioner may define by rule and regulation any~~
21 ~~terms used in this Act for the efficient and clear~~
22 ~~administration of this Act.~~

23 (ee) "First tier subsidiary" shall be defined by
24 regulation incorporating the comparable definitions used
25 by the Office of the Comptroller of the Currency and the
26 Illinois Commissioner of Banks and Real Estate.

1 (ff) "Gross delinquency rate" means the quotient
2 determined by dividing (1) the sum of (i) the number of
3 government-insured residential mortgage loans funded or
4 purchased by a licensee in the preceding calendar year that
5 are delinquent and (ii) the number of conventional
6 residential mortgage loans funded or purchased by the
7 licensee in the preceding calendar year that are delinquent
8 by (2) the sum of (i) the number of government-insured
9 residential mortgage loans funded or purchased by the
10 licensee in the preceding calendar year and (ii) the number
11 of conventional residential mortgage loans funded or
12 purchased by the licensee in the preceding calendar year.

13 (gg) "Delinquency rate factor" means the factor set by
14 rule of the Commissioner that is multiplied by the average
15 gross delinquency rate of licensees, determined annually
16 for the immediately preceding calendar year, for the
17 purpose of determining which licensees shall be examined by
18 the Commissioner pursuant to subsection (b) of Section 4-8
19 of this Act.

20 (hh) "Loan originator" means any natural person who,
21 for compensation or in the expectation of compensation,
22 either directly or indirectly makes, offers to make,
23 solicits, places, or negotiates a residential mortgage
24 loan. This definition applies only to Section 7-1 of this
25 Act.

26 (ii) "Confidential supervisory information" means any

1 report of examination, visitation, or investigation
2 prepared by the Commissioner under this Act, any report of
3 examination visitation, or investigation prepared by the
4 state regulatory authority of another state that examines a
5 licensee, any document or record prepared or obtained in
6 connection with or relating to any examination,
7 visitation, or investigation, and any record prepared or
8 obtained by the Commissioner to the extent that the record
9 summarizes or contains information derived from any
10 report, document, or record described in this subsection.

11 "Confidential supervisory information" does not include
12 any information or record routinely prepared by a licensee
13 and maintained in the ordinary course of business or any
14 information or record that is required to be made publicly
15 available pursuant to State or federal law or rule.

16 (jj) "Mortgage loan originator" means an individual
17 who for compensation or gain or in the expectation of
18 compensation or gain:

19 (i) takes a residential mortgage loan application;

20 or

21 (ii) offers or negotiates terms of a residential
22 mortgage loan.

23 "Mortgage loan originator" includes an individual
24 engaged in loan modification activities as defined in
25 subsection (yy) of this Section. A mortgage loan originator
26 engaged in loan modification activities shall report those

1 activities to the Department of Financial and Professional
2 Regulation in the manner provided by the Department;
3 however, the Department shall not impose a fee for
4 reporting, nor require any additional qualifications to
5 engage in those activities beyond those provided pursuant
6 to this Act for mortgage loan originators.

7 "Mortgage loan originator" does not include an
8 individual engaged solely as a loan processor or
9 underwriter except as otherwise provided in subsection (d)
10 of Section 7-1A of this Act.

11 "Mortgage loan originator" does not include a person or
12 entity that only performs real estate brokerage activities
13 and is licensed in accordance with the Real Estate License
14 Act of 2000, unless the person or entity is compensated by
15 a lender, a mortgage broker, or other mortgage loan
16 originator, or by any agent of that lender, mortgage
17 broker, or other mortgage loan originator.

18 "Mortgage loan originator" does not include a person or
19 entity solely involved in extensions of credit relating to
20 timeshare plans, as that term is defined in Section
21 101(53D) of Title 11, United States Code.

22 (kk) "Depository institution" has the same meaning as
23 in Section 3 of the Federal Deposit Insurance Act, and
24 includes any credit union.

25 (ll) "Dwelling" means a residential structure or
26 mobile home which contains one to 4 family housing units,

1 or individual units of condominiums or cooperatives.

2 (mm) "Immediate family member" means a spouse, child,
3 sibling, parent, grandparent, or grandchild, and includes
4 step-parents, step-children, step-siblings, or adoptive
5 relationships.

6 (nn) "Individual" means a natural person.

7 (oo) "Loan processor or underwriter" means an
8 individual who performs clerical or support duties as an
9 employee at the direction of and subject to the supervision
10 and instruction of a person licensed, or exempt from
11 licensing, under this Act. "Clerical or support duties"
12 includes subsequent to the receipt of an application:

13 (i) the receipt, collection, distribution, and
14 analysis of information common for the processing or
15 underwriting of a residential mortgage loan; and

16 (ii) communicating with a consumer to obtain the
17 information necessary for the processing or
18 underwriting of a loan, to the extent that the
19 communication does not include offering or negotiating
20 loan rates or terms, or counseling consumers about
21 residential mortgage loan rates or terms. An
22 individual engaging solely in loan processor or
23 underwriter activities shall not represent to the
24 public, through advertising or other means of
25 communicating or providing information, including the
26 use of business cards, stationery, brochures, signs,

1 rate lists, or other promotional items, that the
2 individual can or will perform any of the activities of
3 a mortgage loan originator.

4 (pp) "Nationwide Mortgage Licensing System and
5 Registry" means a mortgage licensing system developed and
6 maintained by the Conference of State Bank Supervisors and
7 the American Association of Residential Mortgage
8 Regulators for the licensing and registration of licensed
9 mortgage loan originators.

10 (qq) "Nontraditional mortgage product" means any
11 mortgage product other than a 30-year fixed rate mortgage.

12 (rr) "Person" means a natural person, corporation,
13 company, limited liability company, partnership, or
14 association.

15 (ss) "Real estate brokerage activity" means any
16 activity that involves offering or providing real estate
17 brokerage services to the public, including:

18 (1) acting as a real estate agent or real estate
19 broker for a buyer, seller, lessor, or lessee of real
20 property;

21 (2) bringing together parties interested in the
22 sale, purchase, lease, rental, or exchange of real
23 property;

24 (3) negotiating, on behalf of any party, any
25 portion of a contract relating to the sale, purchase,
26 lease, rental, or exchange of real property, other than

1 in connection with providing financing with respect to
2 any such transaction;

3 (4) engaging in any activity for which a person
4 engaged in the activity is required to be registered or
5 licensed as a real estate agent or real estate broker
6 under any applicable law; or

7 (5) offering to engage in any activity, or act in
8 any capacity, described in this subsection (ss).

9 (tt) "Registered mortgage loan originator" means any
10 individual that:

11 (1) meets the definition of mortgage loan
12 originator and is an employee of:

13 (A) a depository institution;

14 (B) a subsidiary that is:

15 (i) owned and controlled by a depository
16 institution; and

17 (ii) regulated by a federal banking
18 agency; or

19 (C) an institution regulated by the Farm
20 Credit Administration; and

21 (2) is registered with, and maintains a unique
22 identifier through, the Nationwide Mortgage Licensing
23 System and Registry.

24 (uu) "Unique identifier" means a number or other
25 identifier assigned by protocols established by the
26 Nationwide Mortgage Licensing System and Registry.

1 (vv) "Residential mortgage license" means a license
2 issued pursuant to Section 1-3, 2-2, or 2-6 of this Act.

3 (ww) "Mortgage loan originator license" means a
4 license issued pursuant to Section 7-1A, 7-3, or 7-6 of
5 this Act.

6 (xx) "Secretary" means the Secretary of the Department
7 of Financial and Professional Regulation, or a person
8 authorized by the Secretary or by this Act to act in the
9 Secretary's stead.

10 (yy) "Loan modification" means, for compensation or
11 gain, either directly or indirectly offering or
12 negotiating on behalf of a borrower or homeowner to adjust
13 the terms of a residential mortgage loan in a manner not
14 provided for in the original or previously modified
15 mortgage loan.

16 (zz) "Short sale facilitation" means, for compensation
17 or gain, either directly or indirectly offering or
18 negotiating on behalf of a borrower or homeowner to
19 facilitate the sale of residential real estate subject to
20 one or more residential mortgage loans or debts
21 constituting liens on the property in which the proceeds
22 from selling the residential real estate will fall short of
23 the amount owed and the lien holders are contacted to agree
24 to release their lien on the residential real estate and
25 accept less than the full amount owed on the debt.

26 The Commissioner may define by rule and regulation any

1 terms used in this Act for the efficient and clear
2 administration of this Act.

3 (Source: P.A. 97-143, eff. 7-14-11; 97-891, eff. 8-3-12;
4 98-749, eff. 7-16-14; 98-1081, eff. 1-1-15; revised 10-6-14.)

5 Section 220. The Alternative Health Care Delivery Act is
6 amended by changing Section 30 as follows:

7 (210 ILCS 3/30)

8 Sec. 30. Demonstration program requirements. The
9 requirements set forth in this Section shall apply to
10 demonstration programs.

11 (a) (Blank).

12 (a-5) There shall be no more than the total number of
13 postsurgical recovery care centers with a certificate of need
14 for beds as of January 1, 2008.

15 (a-10) There shall be no more than a total of 9 children's
16 community-based health care center alternative health care
17 models in the demonstration program, which shall be located as
18 follows:

19 (1) Two in the City of Chicago.

20 (2) One in Cook County outside the City of Chicago.

21 (3) A total of 2 in the area comprised of DuPage, Kane,
22 Lake, McHenry, and Will counties.

23 (4) A total of 2 in municipalities with a population of
24 50,000 or more and not located in the areas described in

1 paragraphs (1), (2), or (3).

2 (5) A total of 2 in rural areas, as defined by the
3 Health Facilities and Services Review Board.

4 No more than one children's community-based health care
5 center owned and operated by a licensed skilled pediatric
6 facility shall be located in each of the areas designated in
7 this subsection (a-10).

8 (a-15) There shall be 5 authorized community-based
9 residential rehabilitation center alternative health care
10 models in the demonstration program.

11 (a-20) There shall be an authorized Alzheimer's disease
12 management center alternative health care model in the
13 demonstration program. The Alzheimer's disease management
14 center shall be located in Will County, owned by a
15 not-for-profit entity, and endorsed by a resolution approved by
16 the county board before the effective date of this amendatory
17 Act of the 91st General Assembly.

18 (a-25) There shall be no more than 10 birth center
19 alternative health care models in the demonstration program,
20 located as follows:

21 (1) Four in the area comprising Cook, DuPage, Kane,
22 Lake, McHenry, and Will counties, one of which shall be
23 owned or operated by a hospital and one of which shall be
24 owned or operated by a federally qualified health center.

25 (2) Three in municipalities with a population of 50,000
26 or more not located in the area described in paragraph (1)

1 of this subsection, one of which shall be owned or operated
2 by a hospital and one of which shall be owned or operated
3 by a federally qualified health center.

4 (3) Three in rural areas, one of which shall be owned
5 or operated by a hospital and one of which shall be owned
6 or operated by a federally qualified health center.

7 The first 3 birth centers authorized to operate by the
8 Department shall be located in or predominantly serve the
9 residents of a health professional shortage area as determined
10 by the United States Department of Health and Human Services.
11 There shall be no more than 2 birth centers authorized to
12 operate in any single health planning area for obstetric
13 services as determined under the Illinois Health Facilities
14 Planning Act. If a birth center is located outside of a health
15 professional shortage area, (i) the birth center shall be
16 located in a health planning area with a demonstrated need for
17 obstetrical service beds, as determined by the Health
18 Facilities and Services Review Board or (ii) there must be a
19 reduction in the existing number of obstetrical service beds in
20 the planning area so that the establishment of the birth center
21 does not result in an increase in the total number of
22 obstetrical service beds in the health planning area.

23 (b) Alternative health care models, other than a model
24 authorized under subsection (a-10) or (a-20), shall obtain a
25 certificate of need from the Health Facilities and Services
26 Review Board under the Illinois Health Facilities Planning Act

1 before receiving a license by the Department. If, after
2 obtaining its initial certificate of need, an alternative
3 health care delivery model that is a community based
4 residential rehabilitation center seeks to increase the bed
5 capacity of that center, it must obtain a certificate of need
6 from the Health Facilities and Services Review Board before
7 increasing the bed capacity. Alternative health care models in
8 medically underserved areas shall receive priority in
9 obtaining a certificate of need.

10 (c) An alternative health care model license shall be
11 issued for a period of one year and shall be annually renewed
12 if the facility or program is in substantial compliance with
13 the Department's rules adopted under this Act. A licensed
14 alternative health care model that continues to be in
15 substantial compliance after the conclusion of the
16 demonstration program shall be eligible for annual renewals
17 unless and until a different licensure program for that type of
18 health care model is established by legislation, except that a
19 postsurgical recovery care center meeting the following
20 requirements may apply within 3 years after August 25, 2009
21 (the effective date of Public Act 96-669) for a Certificate of
22 Need permit to operate as a hospital:

23 (1) The postsurgical recovery care center shall apply
24 to the Health Facilities and Services Review Board for a
25 Certificate of Need permit to discontinue the postsurgical
26 recovery care center and to establish a hospital.

1 (2) If the postsurgical recovery care center obtains a
2 Certificate of Need permit to operate as a hospital, it
3 shall apply for licensure as a hospital under the Hospital
4 Licensing Act and shall meet all statutory and regulatory
5 requirements of a hospital.

6 (3) After obtaining licensure as a hospital, any
7 license as an ambulatory surgical treatment center and any
8 license as a postsurgical recovery care center shall be
9 null and void.

10 (4) The former postsurgical recovery care center that
11 receives a hospital license must seek and use its best
12 efforts to maintain certification under Titles XVIII and
13 XIX of the federal Social Security Act.

14 The Department may issue a provisional license to any
15 alternative health care model that does not substantially
16 comply with the provisions of this Act and the rules adopted
17 under this Act if (i) the Department finds that the alternative
18 health care model has undertaken changes and corrections which
19 upon completion will render the alternative health care model
20 in substantial compliance with this Act and rules and (ii) the
21 health and safety of the patients of the alternative health
22 care model will be protected during the period for which the
23 provisional license is issued. The Department shall advise the
24 licensee of the conditions under which the provisional license
25 is issued, including the manner in which the alternative health
26 care model fails to comply with the provisions of this Act and

1 rules, and the time within which the changes and corrections
2 necessary for the alternative health care model to
3 substantially comply with this Act and rules shall be
4 completed.

5 (d) Alternative health care models shall seek
6 certification under Titles XVIII and XIX of the federal Social
7 Security Act. In addition, alternative health care models shall
8 provide charitable care consistent with that provided by
9 comparable health care providers in the geographic area.

10 (d-5) (Blank).

11 (e) Alternative health care models shall, to the extent
12 possible, link and integrate their services with nearby health
13 care facilities.

14 (f) Each alternative health care model shall implement a
15 quality assurance program with measurable benefits and at
16 reasonable cost.

17 (Source: P.A. 97-135, eff. 7-14-11; 97-333, eff. 8-12-11;
18 97-813, eff. 7-13-12; 98-629, eff. 1-1-15; 98-756, eff.
19 7-16-14; revised 10-3-14.)

20 Section 225. The Nursing Home Care Act is amended by
21 changing Sections 1-125.1 and 3-206.01 as follows:

22 (210 ILCS 45/1-125.1) (from Ch. 111 1/2, par. 4151-125.1)

23 Sec. 1-125.1. "Student intern" means any person whose total
24 term of employment in any facility during any 12-month period

1 is equal to or less than 90 continuous days, and whose term of
2 employment: ~~is either,~~

3 (1) is an academic credit requirement in a high school
4 or undergraduate or graduate institution;

5 (2) immediately succeeds a full quarter, semester, or
6 trimester of academic enrollment in either a high school or
7 undergraduate or graduate institution, provided that such
8 person is registered for another full quarter, semester, or
9 trimester of academic enrollment in either a high school or
10 undergraduate or graduate institution, which quarter,
11 semester, or trimester will commence immediately following
12 the term of employment; or

13 (3) immediately succeeds graduation from the high
14 school or undergraduate or graduate institution.

15 (Source: P.A. 98-121, eff. 7-30-13; revised 11-25-14.)

16 (210 ILCS 45/3-206.01) (from Ch. 111 1/2, par. 4153-206.01)
17 Sec. 3-206.01. Health care worker registry.

18 (a) The Department shall establish and maintain a registry
19 of all individuals who (i) have satisfactorily completed the
20 training required by Section 3-206, (ii) have begun a current
21 course of training as set forth in Section 3-206, or (iii) are
22 otherwise acting as a nursing assistant, habilitation aide,
23 home health aide, psychiatric services rehabilitation aide, or
24 child care aide. The registry shall include the individual's
25 name, his or her current address, Social Security number, and

1 the date and location of the training course completed by the
2 individual, and whether the individual has any of the
3 disqualifying convictions listed in Section 25 of the Health
4 Care Worker Background Check Act from the date of the
5 individual's last criminal records check. Any individual
6 placed on the registry is required to inform the Department of
7 any change of address within 30 days. A facility shall not
8 employ an individual as a nursing assistant, habilitation aide,
9 home health aide, psychiatric services rehabilitation aide, or
10 child care aide, or newly hired as an individual who may have
11 access to a resident, a resident's living quarters, or a
12 resident's personal, financial, or medical records, unless the
13 facility has inquired of the Department's health care worker
14 registry as to information in the registry concerning the
15 individual. The facility shall not employ an individual as a
16 nursing assistant, habilitation aide, or child care aide if
17 that individual is not on the registry unless the individual is
18 enrolled in a training program under paragraph (5) of
19 subsection (a) of Section 3-206 of this Act.

20 If the Department finds that a nursing assistant,
21 habilitation aide, home health aide, psychiatric services
22 rehabilitation aide, or child care aide, or an unlicensed
23 individual, has abused or neglected a resident or an individual
24 under his or her care or misappropriated property of a resident
25 or an individual under his or her care, the Department shall
26 notify the individual of this finding by certified mail sent to

1 the address contained in the registry. The notice shall give
2 the individual an opportunity to contest the finding in a
3 hearing before the Department or to submit a written response
4 to the findings in lieu of requesting a hearing. If, after a
5 hearing or if the individual does not request a hearing, the
6 Department finds that the individual abused a resident,
7 neglected a resident, or misappropriated resident property in a
8 facility, the finding shall be included as part of the registry
9 as well as a clear and accurate summary from the individual, if
10 he or she chooses to make such a statement. The Department
11 shall make the following information in the registry available
12 to the public: an individual's full name; the date an
13 individual successfully completed a nurse aide training or
14 competency evaluation; and whether the Department has made a
15 finding that an individual has been guilty of abuse or neglect
16 of a resident or misappropriation of resident property. In the
17 case of inquiries to the registry concerning an individual
18 listed in the registry, any information disclosed concerning
19 such a finding shall also include disclosure of the
20 individual's statement in the registry relating to the finding
21 or a clear and accurate summary of the statement.

22 (b) The Department shall add to the health care worker
23 registry records of findings as reported by the Inspector
24 General or remove from the health care worker registry records
25 of findings as reported by the Department of Human Services,
26 under subsection (s) ~~(g-5)~~ of Section 1-17 of the Department of

1 Human Services Act.

2 (Source: P.A. 95-545, eff. 8-28-07; 96-1372, eff. 7-29-10;
3 revised 12-10-14.)

4 Section 230. The ID/DD Community Care Act is amended by
5 changing Section 3-206.01 as follows:

6 (210 ILCS 47/3-206.01)

7 Sec. 3-206.01. Health care worker registry.

8 (a) The Department shall establish and maintain a registry
9 of all individuals who (i) have satisfactorily completed the
10 training required by Section 3-206, (ii) have begun a current
11 course of training as set forth in Section 3-206, or (iii) are
12 otherwise acting as a nursing assistant, habilitation aide,
13 home health aide, or child care aide. The registry shall
14 include the individual's name, his or her current address,
15 Social Security number, and whether the individual has any of
16 the disqualifying convictions listed in Section 25 of the
17 Health Care Worker Background Check Act from the date and
18 location of the training course completed by the individual,
19 and the date of the individual's last criminal records check.
20 Any individual placed on the registry is required to inform the
21 Department of any change of address within 30 days. A facility
22 shall not employ an individual as a nursing assistant,
23 habilitation aide, home health aide, or child care aide, or
24 newly hired as an individual who may have access to a resident,

1 a resident's living quarters, or a resident's personal,
2 financial, or medical records, unless the facility has inquired
3 of the Department's health care worker registry as to
4 information in the registry concerning the individual. The
5 facility shall not employ an individual as a nursing assistant,
6 habilitation aide, or child care aide if that individual is not
7 on the registry unless the individual is enrolled in a training
8 program under paragraph (5) of subsection (a) of Section 3-206
9 of this Act.

10 If the Department finds that a nursing assistant,
11 habilitation aide, home health aide, child care aide, or an
12 unlicensed individual, has abused or neglected a resident or an
13 individual under his or her care, or misappropriated property
14 of a resident or an individual under his or her care in a
15 facility, the Department shall notify the individual of this
16 finding by certified mail sent to the address contained in the
17 registry. The notice shall give the individual an opportunity
18 to contest the finding in a hearing before the Department or to
19 submit a written response to the findings in lieu of requesting
20 a hearing. If, after a hearing or if the individual does not
21 request a hearing, the Department finds that the individual
22 abused a resident, neglected a resident, or misappropriated
23 resident property in a facility, the finding shall be included
24 as part of the registry as well as a clear and accurate summary
25 statement from the individual, if he or she chooses to make
26 such a statement. The Department shall make the following

1 information in the registry available to the public: an
2 individual's full name; the date an individual successfully
3 completed a nurse aide training or competency evaluation; and
4 whether the Department has made a finding that an individual
5 has been guilty of abuse or neglect of a resident or
6 misappropriation of resident's property. In the case of
7 inquiries to the registry concerning an individual listed in
8 the registry, any information disclosed concerning such a
9 finding shall also include disclosure of the individual's
10 statement in the registry relating to the finding or a clear
11 and accurate summary of the statement.

12 (b) The Department shall add to the health care worker
13 registry records of findings as reported by the Inspector
14 General or remove from the health care worker registry records
15 of findings as reported by the Department of Human Services,
16 under subsection (s) ~~(g-5)~~ of Section 1-17 of the Department of
17 Human Services Act.

18 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; revised
19 12-10-14.)

20 Section 235. The Specialized Mental Health Rehabilitation
21 Act of 2013 is amended by changing Section 1-101.6 as follows:

22 (210 ILCS 49/1-101.6)

23 (Section scheduled to be repealed on July 1, 2016)

24 Sec. 1-101.6. Mental health system planning. The General

1 Assembly finds the services contained in this Act are necessary
2 for the effective delivery of mental health services for the
3 citizens of the State of Illinois.

4 The General Assembly also finds that the mental health and
5 substance use system in the State requires further review to
6 develop additional needed services.

7 To ensure the adequacy of community-based services and to
8 offer choice to all individuals with serious mental illness and
9 substance use disorders or conditions who choose to live in the
10 community, and for whom the community is the appropriate
11 setting, but are at risk of institutional care, the Governor's
12 Office of Health Innovation and Transformation shall oversee a
13 process for (i) identifying needed services in the different
14 geographic regions in the State and (ii) identifying the
15 financing strategies for developing those needed services.

16 The process shall address or examine the need and financing
17 strategies for the following:

18 (1) Network adequacy in all 102 counties of the State
19 for: (i) health homes authorized under Section 2703 of the
20 federal Patient Protection and Affordable Care Act; (ii)
21 systems of care for children; (iii) care coordination; and
22 (iv) access to a full continuum of quality care, treatment,
23 services, and supports for persons with serious emotional
24 disturbance, serious mental illness, or substance use
25 disorder.

26 (2) Workforce development for the workforce of

1 community providers of care, treatment, services, and
2 supports for persons with mental health and substance use
3 disorders and conditions.

4 (3) Information technology to manage the delivery of
5 integrated services for persons with mental health and
6 substance use disorders and medical conditions.

7 (4) The needed continuum of statewide community health
8 care, treatment, services, and supports for persons with
9 mental health and substance use disorders and conditions.

10 (5) Reducing health care disparities in access to a
11 continuum of care, care coordination, and engagement in
12 networks.

13 The Governor's Office of Health Innovation and
14 Transformation shall include the Division of Alcoholism and
15 Substance Abuse and the Division of Mental Health in the
16 Department of Human Services, the Department of Healthcare and
17 Family Services, the Department of Public Health, community
18 mental health and substance use providers, statewide
19 associations of mental health and substance use providers,
20 mental health and substance use advocacy groups, and any other
21 entity as deemed appropriate for participation in the process
22 of identifying needed services and financing strategies as
23 described in this Section.

24 The Office of Health Innovation and Transformation shall
25 report its findings and recommendations to the General Assembly
26 by July 1, 2015.

1 This Section is repealed on July 1, 2016.

2 Before September 1, 2014, the State shall develop and
3 implement a service authorization system available 24 hours a
4 day, 7 days a week for approval of services in the following 3
5 levels of care under this Act: crisis stabilization; recovery
6 and rehabilitation supports; and transitional living units.

7 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
8 98-878, eff. 8-11-14; revised 10-2-14.)

9 Section 240. The Emergency Medical Services (EMS) Systems
10 Act is amended by changing Sections 3.87 and 3.210 as follows:

11 (210 ILCS 50/3.87)

12 Sec. 3.87. Ambulance service provider and vehicle service
13 provider upgrades; rural population.

14 (a) In this Section, "rural ambulance service provider"
15 means an ambulance service provider licensed under this Act
16 that serves a rural population of 7,500 or fewer inhabitants.

17 In this Section, "rural vehicle service provider" means an
18 entity that serves a rural population of 7,500 or fewer
19 inhabitants and is licensed by the Department to provide
20 emergency or non-emergency medical services in compliance with
21 this Act, the rules adopted by the Department pursuant to this
22 Act, and an operational plan approved by the entity's EMS
23 System, utilizing at least an ambulance, alternate response
24 vehicle as defined by the Department in rules, or specialized

1 emergency medical services vehicle.

2 (b) A rural ambulance service provider or rural vehicle
3 service provider may submit a proposal to the EMS System
4 Medical Director requesting approval of either or both of the
5 following:

6 (1) Rural ambulance service provider or rural vehicle
7 service provider in-field service level upgrade.

8 (A) An ambulance operated by a rural ambulance
9 service provider or a specialized emergency medical
10 services vehicle or alternate response vehicle
11 operated by a rural vehicle service provider may be
12 upgraded, as defined by the EMS System Medical Director
13 in a policy or procedure, as long as the EMS System
14 Medical Director and the Department have approved the
15 proposal, to the highest level of EMT license (advanced
16 life support/paramedic, intermediate life support, or
17 basic life support) or Pre-Hospital RN certification
18 held by any person staffing that ambulance,
19 specialized emergency medical services vehicle, or
20 alternate response vehicle. The ambulance service
21 provider's or rural vehicle service provider's
22 proposal for an upgrade must include all of the
23 following:

24 (i) The manner in which the provider will
25 secure and store advanced life support equipment,
26 supplies, and medications.

1 (ii) The type of quality assurance the
2 provider will perform.

3 (iii) An assurance that the provider will
4 advertise only the level of care that can be
5 provided 24 hours a day.

6 (iv) A statement that the provider will have
7 that vehicle inspected by the Department annually.

8 (B) If a rural ambulance service provider or rural
9 vehicle service provider is approved to provide an
10 in-field service level upgrade based on the licensed
11 personnel on the vehicle, all the advanced life support
12 medical supplies, durable medical equipment, and
13 medications must be environmentally controlled,
14 secured, and locked with access by only the personnel
15 who have been authorized by the EMS System Medical
16 Director to utilize those supplies.

17 (C) The EMS System shall routinely perform quality
18 assurance, in compliance with the EMS System's quality
19 assurance plan approved by the Department, on in-field
20 service level upgrades authorized under this Section
21 to ensure compliance with the EMS System plan.

22 (2) Rural ambulance service provider or rural vehicle
23 service provider in-field service level upgrade. The EMS
24 System Medical Director may define what constitutes an
25 in-field service level upgrade through an EMS System policy
26 or procedure. An in-field service level upgrade may

1 include, but need not be limited to, an upgrade to a
2 licensed ambulance, alternate response vehicle, or
3 specialized emergency medical services vehicle.

4 (c) If the EMS System Medical Director approves a proposal
5 for a rural in-field service level upgrade under this Section,
6 he or she shall submit the proposal to the Department along
7 with a statement of approval signed by him or her. Once the
8 Department has approved the proposal, the rural ambulance
9 service provider or rural vehicle service provider will be
10 authorized to function at the highest level of EMT license
11 (advanced life support/paramedic, intermediate life support,
12 or basic life support) or Pre-Hospital RN certification held by
13 any person staffing the vehicle.

14 (Source: P.A. 98-608, eff. 12-27-13; 98-880, eff. 1-1-15;
15 98-881, eff. 8-13-14; revised 10-1-14.)

16 (210 ILCS 50/3.210)

17 Sec. 3.210. EMS Medical Consultant. If the Chief of the
18 Department's Division of Emergency Medical Services and
19 Highway Safety is not a physician licensed to practice medicine
20 in all of its branches, with extensive emergency medical
21 services experience, and certified by the American Board of
22 Emergency Medicine or the ~~Osteopathic~~ American Osteopathic
23 Board of Emergency Medicine, then the Director shall appoint
24 such a physician to serve as EMS Medical Consultant to the
25 Division Chief.

1 (Source: P.A. 98-973, eff. 8-15-14; revised 11-25-14.)

2 Section 245. The Health Maintenance Organization Act is
3 amended by changing Section 1-2 as follows:

4 (215 ILCS 125/1-2) (from Ch. 111 1/2, par. 1402)

5 Sec. 1-2. Definitions. As used in this Act, unless the
6 context otherwise requires, the following terms shall have the
7 meanings ascribed to them:

8 (1) "Advertisement" means any printed or published
9 material, audiovisual material and descriptive literature of
10 the health care plan used in direct mail, newspapers,
11 magazines, radio scripts, television scripts, billboards and
12 similar displays; and any descriptive literature or sales aids
13 of all kinds disseminated by a representative of the health
14 care plan for presentation to the public including, but not
15 limited to, circulars, leaflets, booklets, depictions,
16 illustrations, form letters and prepared sales presentations.

17 (2) "Director" means the Director of Insurance.

18 (3) "Basic health care services" means emergency care, and
19 inpatient hospital and physician care, outpatient medical
20 services, mental health services and care for alcohol and drug
21 abuse, including any reasonable deductibles and co-payments,
22 all of which are subject to the limitations described in
23 Section 4-20 of this Act and as determined by the Director
24 pursuant to rule.

1 (4) "Enrollee" means an individual who has been enrolled in
2 a health care plan.

3 (5) "Evidence of coverage" means any certificate,
4 agreement, or contract issued to an enrollee setting out the
5 coverage to which he is entitled in exchange for a per capita
6 prepaid sum.

7 (6) "Group contract" means a contract for health care
8 services which by its terms limits eligibility to members of a
9 specified group.

10 (7) "Health care plan" means any arrangement whereby any
11 organization undertakes to provide or arrange for and pay for
12 or reimburse the cost of basic health care services, excluding
13 any reasonable deductibles and copayments, from providers
14 selected by the Health Maintenance Organization and such
15 arrangement consists of arranging for or the provision of such
16 health care services, as distinguished from mere
17 indemnification against the cost of such services, except as
18 otherwise authorized by Section 2-3 of this Act, on a per
19 capita prepaid basis, through insurance or otherwise. A "health
20 care plan" also includes any arrangement whereby an
21 organization undertakes to provide or arrange for or pay for or
22 reimburse the cost of any health care service for persons who
23 are enrolled under Article V of the Illinois Public Aid Code or
24 under the Children's Health Insurance Program Act through
25 providers selected by the organization and the arrangement
26 consists of making provision for the delivery of health care

1 services, as distinguished from mere indemnification. A
2 "health care plan" also includes any arrangement pursuant to
3 Section 4-17. Nothing in this definition, however, affects the
4 total medical services available to persons eligible for
5 medical assistance under the Illinois Public Aid Code.

6 (8) "Health care services" means any services included in
7 the furnishing to any individual of medical or dental care, or
8 the hospitalization or incident to the furnishing of such care
9 or hospitalization as well as the furnishing to any person of
10 any and all other services for the purpose of preventing,
11 alleviating, curing or healing human illness or injury.

12 (9) "Health Maintenance Organization" means any
13 organization formed under the laws of this or another state to
14 provide or arrange for one or more health care plans under a
15 system which causes any part of the risk of health care
16 delivery to be borne by the organization or its providers.

17 (10) "Net worth" means admitted assets, as defined in
18 Section 1-3 of this Act, minus liabilities.

19 (11) "Organization" means any insurance company, a
20 nonprofit corporation authorized under the Dental Service Plan
21 Act or the Voluntary Health Services Plans Act, or a
22 corporation organized under the laws of this or another state
23 for the purpose of operating one or more health care plans and
24 doing no business other than that of a Health Maintenance
25 Organization or an insurance company. "Organization" shall
26 also mean the University of Illinois Hospital as defined in the

1 University of Illinois Hospital Act or a unit of local
2 government health system operating within a county with a
3 population of 3,000,000 or more.

4 (12) "Provider" means any physician, hospital facility,
5 facility licensed under the Nursing Home Care Act, or facility
6 or long-term care facility as those terms are defined in the
7 Nursing Home Care Act or other person which is licensed or
8 otherwise authorized to furnish health care services and also
9 includes any other entity that arranges for the delivery or
10 furnishing of health care service.

11 (13) "Producer" means a person directly or indirectly
12 associated with a health care plan who engages in solicitation
13 or enrollment.

14 (14) "Per capita prepaid" means a basis of prepayment by
15 which a fixed amount of money is prepaid per individual or any
16 other enrollment unit to the Health Maintenance Organization or
17 for health care services which are provided during a definite
18 time period regardless of the frequency or extent of the
19 services rendered by the Health Maintenance Organization,
20 except for copayments and deductibles and except as provided in
21 subsection (f) of Section 5-3 of this Act.

22 (15) "Subscriber" means a person who has entered into a
23 contractual relationship with the Health Maintenance
24 Organization for the provision of or arrangement of at least
25 basic health care services to the beneficiaries of such
26 contract.

1 (Source: P.A. 97-1148, eff. 1-24-13; 98-651, eff. 6-16-14;
2 98-841, eff. 8-1-14; revised 10-24-14.)

3 Section 250. The Managed Care Reform and Patient Rights Act
4 is amended by changing Section 10 as follows:

5 (215 ILCS 134/10)

6 Sec. 10. Definitions. ~~+~~

7 "Adverse determination" means a determination by a health
8 care plan under Section 45 or by a utilization review program
9 under Section 85 that a health care service is not medically
10 necessary.

11 "Clinical peer" means a health care professional who is in
12 the same profession and the same or similar specialty as the
13 health care provider who typically manages the medical
14 condition, procedures, or treatment under review.

15 "Department" means the Department of Insurance.

16 "Emergency medical condition" means a medical condition
17 manifesting itself by acute symptoms of sufficient severity
18 (including, but not limited to, severe pain) such that a
19 prudent layperson, who possesses an average knowledge of health
20 and medicine, could reasonably expect the absence of immediate
21 medical attention to result in:

22 (1) placing the health of the individual (or, with
23 respect to a pregnant woman, the health of the woman or her
24 unborn child) in serious jeopardy;

1 (2) serious impairment to bodily functions; or

2 (3) serious dysfunction of any bodily organ or part.

3 "Emergency medical screening examination" means a medical
4 screening examination and evaluation by a physician licensed to
5 practice medicine in all its branches, or to the extent
6 permitted by applicable laws, by other appropriately licensed
7 personnel under the supervision of or in collaboration with a
8 physician licensed to practice medicine in all its branches to
9 determine whether the need for emergency services exists.

10 "Emergency services" means, with respect to an enrollee of
11 a health care plan, transportation services, including but not
12 limited to ambulance services, and covered inpatient and
13 outpatient hospital services furnished by a provider qualified
14 to furnish those services that are needed to evaluate or
15 stabilize an emergency medical condition. "Emergency services"
16 does not refer to post-stabilization medical services.

17 "Enrollee" means any person and his or her dependents
18 enrolled in or covered by a health care plan.

19 "Health care plan" means a plan, including, but not limited
20 to, a health maintenance organization, a managed care community
21 network as defined in the Illinois Public Aid Code, or an
22 accountable care entity as defined in the Illinois Public Aid
23 Code that receives capitated payments to cover medical services
24 from the Department of Healthcare and Family Services, that
25 establishes, operates, or maintains a network of health care
26 providers that has entered into an agreement with the plan to

1 provide health care services to enrollees to whom the plan has
2 the ultimate obligation to arrange for the provision of or
3 payment for services through organizational arrangements for
4 ongoing quality assurance, utilization review programs, or
5 dispute resolution. Nothing in this definition shall be
6 construed to mean that an independent practice association or a
7 physician hospital organization that subcontracts with a
8 health care plan is, for purposes of that subcontract, a health
9 care plan.

10 For purposes of this definition, "health care plan" shall
11 not include the following:

12 (1) indemnity health insurance policies including
13 those using a contracted provider network;

14 (2) health care plans that offer only dental or only
15 vision coverage;

16 (3) preferred provider administrators, as defined in
17 Section 370g(g) of the Illinois Insurance Code;

18 (4) employee or employer self-insured health benefit
19 plans under the federal Employee Retirement Income
20 Security Act of 1974;

21 (5) health care provided pursuant to the Workers'
22 Compensation Act or the Workers' Occupational Diseases
23 Act; and

24 (6) not-for-profit voluntary health services plans
25 with health maintenance organization authority in
26 existence as of January 1, 1999 that are affiliated with a

1 union and that only extend coverage to union members and
2 their dependents.

3 "Health care professional" means a physician, a registered
4 professional nurse, or other individual appropriately licensed
5 or registered to provide health care services.

6 "Health care provider" means any physician, hospital
7 facility, facility licensed under the Nursing Home Care Act,
8 long-term care facility as defined in Section 1-113 of the
9 Nursing Home Care Act, or other person that is licensed or
10 otherwise authorized to deliver health care services. Nothing
11 in this Act shall be construed to define Independent Practice
12 Associations or Physician-Hospital Organizations as health
13 care providers.

14 "Health care services" means any services included in the
15 furnishing to any individual of medical care, or the
16 hospitalization incident to the furnishing of such care, as
17 well as the furnishing to any person of any and all other
18 services for the purpose of preventing, alleviating, curing, or
19 healing human illness or injury including home health and
20 pharmaceutical services and products.

21 "Medical director" means a physician licensed in any state
22 to practice medicine in all its branches appointed by a health
23 care plan.

24 "Person" means a corporation, association, partnership,
25 limited liability company, sole proprietorship, or any other
26 legal entity.

1 "Physician" means a person licensed under the Medical
2 Practice Act of 1987.

3 "Post-stabilization medical services" means health care
4 services provided to an enrollee that are furnished in a
5 licensed hospital by a provider that is qualified to furnish
6 such services, and determined to be medically necessary and
7 directly related to the emergency medical condition following
8 stabilization.

9 "Stabilization" means, with respect to an emergency
10 medical condition, to provide such medical treatment of the
11 condition as may be necessary to assure, within reasonable
12 medical probability, that no material deterioration of the
13 condition is likely to result.

14 "Utilization review" means the evaluation of the medical
15 necessity, appropriateness, and efficiency of the use of health
16 care services, procedures, and facilities.

17 "Utilization review program" means a program established
18 by a person to perform utilization review.

19 (Source: P.A. 98-651, eff. 6-16-14; 98-841, eff. 8-1-14;
20 revised 10-24-14.)

21 Section 255. The Service Contract Act is amended by
22 changing Section 45 as follows:

23 (215 ILCS 152/45)

24 Sec. 45. Record keeping requirements.

1 (a) The service contract provider shall keep accurate
2 accounts, books, and records concerning transactions regulated
3 under this Act.

4 (b) The service contract provider's accounts, books, and
5 records shall include the following:

6 (1) copies of each type of service contract sold;

7 (2) the name and address of each service contract
8 holder, to the extent ~~extend~~ that the name and address has
9 been furnished by the service contract holder;

10 (3) a list of the locations where service contracts are
11 marketed, sold, or offered for sale; and

12 (4) written claims files which shall contain at least
13 the date and description of claims related to the service
14 contracts.

15 (c) Except as provided in subsection (e) of this Section,
16 the service contract provider shall retain all records required
17 to be maintained by Section 45 for at least 3 years after the
18 specified period of coverage has expired.

19 (d) The records required under this Act may be, but are not
20 required to be, maintained on a computer disk or other record
21 keeping technology. If the records are maintained in other than
22 hard copy, the records shall be capable of duplication to
23 legible hard copy at the request of the Director.

24 (e) A service contract provider discontinuing business in
25 this State shall maintain its records until it furnishes the
26 Director satisfactory proof that it has discharged all

1 obligations to service contract holders in this State.

2 (Source: P.A. 90-711, eff. 8-7-98; revised 11-25-14.)

3 Section 260. The Child Care Act of 1969 is amended by
4 changing Sections 2.04 and 2.17 as follows:

5 (225 ILCS 10/2.04) (from Ch. 23, par. 2212.04)

6 Sec. 2.04. "Related" means any of the following
7 relationships by blood, marriage, civil union, or adoption:
8 parent, grandparent, great-grandparent, great-uncle,
9 great-aunt, brother, sister, stepgrandparent, stepparent,
10 stepbrother, stepsister, uncle, aunt, nephew, niece, fictive
11 kin as defined in Section 7 of the Children and Family Services
12 Act, or first cousin or second cousin. A person is related to a
13 child as a first cousin or a second cousin if they are both
14 related to the same ancestor as either grandchild or
15 great-grandchild. A child whose parent has executed a consent,
16 a surrender, or a waiver pursuant to Section 10 of the Adoption
17 Act, whose parent has signed a denial of paternity pursuant to
18 Section 12 of the Vital Records Act or Section 12a of the
19 Adoption Act, or whose parent has had his or her parental
20 rights terminated is not a related child to that person, unless
21 (1) the consent is determined to be void or is void pursuant to
22 subsection O of Section 10 of the Adoption Act; or (2) the
23 parent of the child executed a consent to adoption by a
24 specified person or persons pursuant to subsection A-1 of

1 Section 10 of the Adoption Act and a court finds that the
2 consent is void; or (3) the order terminating the parental
3 rights of the parent is vacated by a court of competent
4 jurisdiction.

5 (Source: P.A. 98-804, eff. 1-1-15; 98-846, eff. 1-1-15; revised
6 10-2-14.)

7 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

8 Sec. 2.17. "Foster family home" means a facility for child
9 care in residences of families who receive no more than 8
10 children unrelated to them, unless all the children are of
11 common parentage, or residences of relatives who receive no
12 more than 8 related children placed by the Department, unless
13 the children are of common parentage, for the purpose of
14 providing family care and training for the children on a
15 full-time basis, except the Director of Children and Family
16 Services, pursuant to Department regulations, may waive the
17 limit of 8 children unrelated to an adoptive family for good
18 cause and only to facilitate an adoptive placement. The
19 family's or relative's own children, under 18 years of age,
20 shall be included in determining the maximum number of children
21 served. For purposes of this Section, a "relative" includes any
22 person, 21 years of age or over, other than the parent, who (i)
23 is currently related to the child in any of the following ways
24 by blood or adoption: grandparent, sibling, great-grandparent,
25 uncle, aunt, nephew, niece, first cousin, great-uncle, or

1 great-aunt; or (ii) is the spouse of such a relative; or (iii)
2 is a child's step-father, step-mother, or adult step-brother or
3 step-sister; or (iv) is a fictive kin; "relative" also includes
4 a person related in any of the foregoing ways to a sibling of a
5 child, even though the person is not related to the child, when
6 the child and its sibling are placed together with that person.
7 For purposes of placement of children pursuant to Section 7 of
8 the Children and Family Services Act and for purposes of
9 licensing requirements set forth in Section 4 of this Act, for
10 children under the custody or guardianship of the Department
11 pursuant to the Juvenile Court Act of 1987, after a parent
12 signs a consent, surrender, or waiver or after a parent's
13 rights are otherwise terminated, and while the child remains in
14 the custody or guardianship of the Department, the child is
15 considered to be related to those to whom the child was related
16 under this Section prior to the signing of the consent,
17 surrender, or waiver or the order of termination of parental
18 rights. The term "foster family home" includes homes receiving
19 children from any State-operated institution for child care; or
20 from any agency established by a municipality or other
21 political subdivision of the State of Illinois authorized to
22 provide care for children outside their own homes. The term
23 "foster family home" does not include an "adoption-only home"
24 as defined in Section 2.23 of this Act. The types of foster
25 family homes are defined as follows:

26 (a) "Boarding home" means a foster family home which

1 receives payment for regular full-time care of a child or
2 children.

3 (b) "Free home" means a foster family home other than
4 an adoptive home which does not receive payments for the
5 care of a child or children.

6 (c) "Adoptive home" means a foster family home which
7 receives a child or children for the purpose of adopting
8 the child or children.

9 (d) "Work-wage home" means a foster family home which
10 receives a child or children who pay part or all of their
11 board by rendering some services to the family not
12 prohibited by the Child Labor Law or by standards or
13 regulations of the Department prescribed under this Act.
14 The child or children may receive a wage in connection with
15 the services rendered the foster family.

16 (e) "Agency-supervised home" means a foster family
17 home under the direct and regular supervision of a licensed
18 child welfare agency, of the Department of Children and
19 Family Services, of a circuit court, or of any other State
20 agency which has authority to place children in child care
21 facilities, and which receives no more than 8 children,
22 unless of common parentage, who are placed and are
23 regularly supervised by one of the specified agencies.

24 (f) "Independent home" means a foster family home,
25 other than an adoptive home, which receives no more than 4
26 children, unless of common parentage, directly from

1 parents, or other legally responsible persons, by
2 independent arrangement and which is not subject to direct
3 and regular supervision of a specified agency except as
4 such supervision pertains to licensing by the Department.

5 (Source: P.A. 98-804, eff. 1-1-15; 98-846, eff. 1-1-15; revised
6 10-2-14.)

7 Section 265. The Health Care Worker Background Check Act is
8 amended by changing Section 70 as follows:

9 (225 ILCS 46/70)

10 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)
11 grant; Voluntary FBI Fingerprint Demonstration Project.

12 (a) The General Assembly authorizes the establishment of
13 the Voluntary FBI Fingerprint Demonstration Project
14 (Demonstration Project), which shall be consistent with the
15 provisions of the Centers for Medicare and Medicaid Services
16 grant awarded to and distributed by the Department of Public
17 Health pursuant to Title VI, Subtitle B, Part III, Subtitle C,
18 Section 6201 of the Affordable Care Act of 2010. The
19 Demonstration Project is authorized to operate for the period
20 of January 1, 2014 through December 31, 2014 and shall operate
21 until the conclusion of this grant period or until the
22 long-term care facility terminates its participation in the
23 Demonstration Project, whichever occurs sooner.

24 (b) The Long-Term Care Facility Advisory Board established

1 under the Nursing Home Care Act shall act in an advisory
2 capacity to the Demonstration Project.

3 (c) Long-term care facilities voluntarily participating in
4 the Demonstration Project shall, in addition to the provisions
5 of this Section, comply with all requirements set forth in this
6 Act. When conflict between the Act and the provisions of this
7 Section occurs, the provisions of this Section shall supersede
8 until the conclusion of the grant period or until the long-term
9 care facility terminates its participation in the
10 Demonstration Project, whichever occurs sooner.

11 (d) The Department of Public Health shall select at least
12 one facility in the State to participate in the Demonstration
13 Project.

14 (e) For the purposes of determining who shall be required
15 to undergo a State and an FBI fingerprint-based criminal
16 history records check under the Demonstration Project, "direct
17 access employee" means any individual who has access to a
18 patient or resident of a long-term care facility or provider
19 through employment or through a contract with a long-term care
20 facility or provider and has duties that involve or may involve
21 one-on-one contact with a resident of the facility or provider,
22 as determined by the State for purposes of the Demonstration
23 Project.

24 (f) All long-term care facilities licensed under the
25 Nursing Home Care Act are qualified to volunteer for the
26 Demonstration Project.

1 (g) The Department of Public Health shall notify qualified
2 long-term care facilities within 30 days after the effective
3 date of this amendatory Act of the 98th General Assembly of the
4 opportunity to volunteer for the Demonstration Project. The
5 notice shall include information concerning application
6 procedures and deadlines, termination rights, requirements for
7 participation, the selection process, and a
8 question-and-answer document addressing potential conflicts
9 between this Act and the provisions of this Section.

10 (h) Qualified long-term care facilities shall be given a
11 minimum of 30 days after the date of receiving the notice to
12 inform the Department of Public Health, in the form and manner
13 prescribed by the Department of Public Health, of their
14 interest in volunteering for the Demonstration Project.
15 Facilities selected for the Demonstration Project shall be
16 notified, within 30 days after the date of application, of the
17 effective date that their participation in the Demonstration
18 Project will begin, which may vary.

19 (i) The individual applicant shall be responsible for the
20 cost of each individual fingerprint inquiry, which may be
21 offset with grant funds, if available. ~~Community-Integrated~~

22 (j) Each applicant seeking employment in a position
23 described in subsection (e) of this Section with a selected
24 health care employer shall, as a condition of employment, have
25 his or her fingerprints submitted to the Department of State
26 Police in an electronic format that complies with the form and

1 manner for requesting and furnishing criminal history record
2 information by the Department of State Police and the Federal
3 Bureau of Investigation criminal history record databases now
4 and hereafter filed. The Department of State Police shall
5 forward the fingerprints to the Federal Bureau of Investigation
6 for a national criminal history records check. The Department
7 of State Police shall charge a fee for conducting the criminal
8 history records check, which shall not exceed the actual cost
9 of the records check and shall be deposited into the State
10 Police Services Fund. The Department of State Police shall
11 furnish, pursuant to positive identification, records of
12 Illinois convictions to the Department of Public Health.

13 (k) A fingerprint-based criminal history records check
14 submitted in accordance with subsection (j) of this Section
15 shall be submitted as a fee applicant inquiry in the form and
16 manner prescribed by the Department of State Police.

17 (l) A long-term care facility may terminate its
18 participation in the Demonstration Project without prejudice
19 by providing the Department of Public Health with notice of its
20 intent to terminate at least 30 days prior to its voluntary
21 termination.

22 (m) This Section shall be inapplicable upon the conclusion
23 of the CMMS grant period.

24 (Source: P.A. 98-756, eff. 7-16-14; 98-1041, eff. 8-25-14;
25 revised 10-2-14.)

1 Section 270. The Home Medical Equipment and Services
2 Provider License Act is amended by changing Section 35 as
3 follows:

4 (225 ILCS 51/35)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 35. Qualifications for licensure.

7 (a) An entity is qualified to receive a license as a home
8 medical equipment and services provider if the entity meets
9 each of the following requirements:

10 (1) complies with all applicable federal and State
11 licensure and regulatory requirements;

12 (2) maintains a physical facility and medical
13 equipment inventory. There shall only be one license
14 permitted at each address;

15 (3) establishes proof of commercial general liability
16 insurance, including but not limited to coverage for
17 products liability and professional liability;

18 (4) establishes and provides records of annual
19 continuing education for personnel engaged in the
20 delivery, maintenance, repair, cleaning, inventory
21 control, and financial management of home medical
22 equipment and services;

23 (5) maintains records on all patients to whom it
24 provides home medical equipment and services;

25 (6) establishes equipment management and personnel

1 policies;

2 (7) makes life-sustaining ~~life-sustaining~~ home medical
3 equipment and services available 24 hours per day and 7
4 days per week;

5 (8) complies with any additional qualifications for
6 licensure as determined by rule of the Department.

7 (b) The Department may request a personal interview of an
8 applicant before the Board to further evaluate the entity's
9 qualifications for licensure.

10 (Source: P.A. 90-532, eff. 11-14-97; revised 11-25-14.)

11 Section 275. The Nurse Practice Act is amended by changing
12 Section 80-40 as follows:

13 (225 ILCS 65/80-40)

14 Sec. 80-40. Licensure by examination. An applicant for
15 licensure by examination to practice as a licensed medication
16 aide must:

17 (1) submit a completed written application on forms
18 provided by the Department and fees as established by the
19 Department;

20 (2) be age 18 or older;

21 (3) have a high school diploma or a high school
22 equivalency certificate ~~of general education development~~
23 ~~(GED)~~;

24 (4) demonstrate the ability ~~able~~ to speak, read, and

1 write the English language, as determined by rule;

2 (5) demonstrate competency in math, as determined by
3 rule;

4 (6) be currently certified in good standing as a
5 certified nursing assistant and provide proof of 2,000
6 hours of practice as a certified nursing assistant within 3
7 years before application for licensure;

8 (7) submit to the criminal history records check
9 required under Section 50-35 of this Act;

10 (8) have not engaged in conduct or behavior determined
11 to be grounds for discipline under this Act;

12 (9) be currently certified to perform cardiopulmonary
13 resuscitation by the American Heart Association or
14 American Red Cross;

15 (10) have successfully completed a course of study
16 approved by the Department as defined by rule; to be
17 approved, the program must include a minimum of 60 hours of
18 classroom-based medication aide education, a minimum of 10
19 hours of simulation laboratory study, and a minimum of 30
20 hours of registered nurse-supervised clinical practicum
21 with progressive responsibility of patient medication
22 assistance;

23 (11) have successfully completed the Medication Aide
24 Certification Examination or other examination authorized
25 by the Department; and

26 (12) submit proof of employment by a qualifying

1 facility.

2 (Source: P.A. 98-990, eff. 8-18-14; revised 11-26-14.)

3 Section 280. The Veterinary Medicine and Surgery Practice
4 Act of 2004 is amended by changing Section 25 as follows:

5 (225 ILCS 115/25) (from Ch. 111, par. 7025)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 25. Disciplinary actions.

8 1. The Department may refuse to issue or renew, or may
9 revoke, suspend, place on probation, reprimand, or take other
10 disciplinary or non-disciplinary action as the Department may
11 deem appropriate, including imposing fines not to exceed
12 \$10,000 for each violation and the assessment of costs as
13 provided for in Section 25.3 of this Act, with regard to any
14 license or certificate for any one or combination of the
15 following:

16 A. Material misstatement in furnishing information to
17 the Department.

18 B. Violations of this Act, or of the rules adopted
19 pursuant to this Act.

20 C. Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States that is
2 (i) a felony or (ii) a misdemeanor, an essential element of
3 which is dishonesty, or that is directly related to the
4 practice of the profession.

5 D. Fraud or any misrepresentation in applying for or
6 procuring a license under this Act or in connection with
7 applying for renewal of a license under this Act.

8 E. Professional incompetence.

9 F. Malpractice.

10 G. Aiding or assisting another person in violating any
11 provision of this Act or rules.

12 H. Failing, within 60 days, to provide information in
13 response to a written request made by the Department.

14 I. Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public.

17 J. Habitual or excessive use or abuse of drugs defined
18 in law as controlled substances, alcohol, or any other
19 substance that results in the inability to practice with
20 reasonable judgment, skill, or safety.

21 K. Discipline by another state, unit of government,
22 government agency, District of Columbia, territory, or
23 foreign nation, if at least one of the grounds for the
24 discipline is the same or substantially equivalent to those
25 set forth herein.

26 L. Charging for professional services not rendered,

1 including filing false statements for the collection of
2 fees for which services are not rendered.

3 M. A finding by the Board that the licensee or
4 certificate holder, after having his license or
5 certificate placed on probationary status, has violated
6 the terms of probation.

7 N. Willfully making or filing false records or reports
8 in his practice, including but not limited to false records
9 filed with State agencies or departments.

10 O. Physical illness, including but not limited to,
11 deterioration through the aging process, or loss of motor
12 skill which results in the inability to practice under this
13 Act with reasonable judgment, skill, or safety.

14 P. Solicitation of professional services other than
15 permitted advertising.

16 Q. Allowing one's license under this Act to be used by
17 an unlicensed person in violation of this Act.

18 R. Conviction of or cash compromise of a charge or
19 violation of the Harrison Act or the Illinois Controlled
20 Substances Act, regulating narcotics.

21 S. Fraud or dishonesty in applying, treating, or
22 reporting on tuberculin or other biological tests.

23 T. Failing to report, as required by law, or making
24 false report of any contagious or infectious diseases.

25 U. Fraudulent use or misuse of any health certificate,
26 shipping certificate, brand inspection certificate, or

1 other blank forms used in practice that might lead to the
2 dissemination of disease or the transportation of diseased
3 animals dead or alive; or dilatory methods, willful
4 neglect, or misrepresentation in the inspection of milk,
5 meat, poultry, and the by-products thereof.

6 V. Conviction on a charge of cruelty to animals.

7 W. Failure to keep one's premises and all equipment
8 therein in a clean and sanitary condition.

9 X. Failure to provide satisfactory proof of having
10 participated in approved continuing education programs.

11 Y. Mental illness or disability that results in the
12 inability to practice under this Act with reasonable
13 judgment, skill, or safety.

14 Z. Conviction by any court of competent jurisdiction,
15 either within or outside this State, of any violation of
16 any law governing the practice of veterinary medicine, if
17 the Department determines, after investigation, that the
18 person has not been sufficiently rehabilitated to warrant
19 the public trust.

20 AA. Promotion of the sale of drugs, devices,
21 appliances, or goods provided for a patient in any manner
22 to exploit the client for financial gain of the
23 veterinarian.

24 BB. Gross, willful, or continued overcharging for
25 professional services.

26 CC. Practicing under a false or, except as provided by

1 law, an assumed name.

2 DD. Violating state or federal laws or regulations
3 relating to controlled substances or legend drugs.

4 EE. Cheating on or attempting to subvert the licensing
5 examination administered under this Act.

6 FF. Using, prescribing, or selling a prescription drug
7 or the extra-label use of a prescription drug by any means
8 in the absence of a valid veterinarian-client-patient
9 relationship.

10 GG. Failing to report a case of suspected aggravated
11 cruelty, torture, or animal fighting pursuant to Section
12 3.07 or 4.01 of the Humane Care for Animals Act or Section
13 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
14 Code of 2012.

15 All fines imposed under this Section shall be paid within
16 60 days after the effective date of the order imposing the fine
17 or in accordance with the terms set forth in the order imposing
18 the fine.

19 2. The determination by a circuit court that a licensee or
20 certificate holder is subject to involuntary admission or
21 judicial admission as provided in the Mental Health and
22 Developmental Disabilities Code operates as an automatic
23 suspension. The suspension will end only upon a finding by a
24 court that the patient is no longer subject to involuntary
25 admission or judicial admission and issues an order so finding
26 and discharging the patient. In any case where a license is

1 suspended under this provision, the licensee shall file a
2 petition for restoration and shall include evidence acceptable
3 to the Department that the licensee can resume practice in
4 compliance with acceptable and prevailing standards of his or
5 her ~~their~~ profession.

6 3. All proceedings to suspend, revoke, place on
7 probationary status, or take any other disciplinary action as
8 the Department may deem proper, with regard to a license or
9 certificate on any of the foregoing grounds, must be commenced
10 within 5 years after receipt by the Department of a complaint
11 alleging the commission of or notice of the conviction order
12 for any of the acts described in this Section. Except for
13 proceedings brought for violations of items (CC), (DD), or
14 (EE), no action shall be commenced more than 5 years after the
15 date of the incident or act alleged to have violated this
16 Section. In the event of the settlement of any claim or cause
17 of action in favor of the claimant or the reduction to final
18 judgment of any civil action in favor of the plaintiff, the
19 claim, cause of action, or civil action being grounded on the
20 allegation that a person licensed or certified under this Act
21 was negligent in providing care, the Department shall have an
22 additional period of one year from the date of the settlement
23 or final judgment in which to investigate and begin formal
24 disciplinary proceedings under Section 25.2 of this Act, except
25 as otherwise provided by law. The time during which the holder
26 of the license or certificate was outside the State of Illinois

1 shall not be included within any period of time limiting the
2 commencement of disciplinary action by the Department.

3 4. The Department may refuse to issue or may suspend
4 without hearing, as provided for in the Illinois Code of Civil
5 Procedure, the license of any person who fails to file a
6 return, to pay the tax, penalty, or interest shown in a filed
7 return, or to pay any final assessment of tax, penalty, or
8 interest as required by any tax Act administered by the
9 Illinois Department of Revenue, until such time as the
10 requirements of any such tax Act are satisfied in accordance
11 with subsection (g) of Section 2105-15 of the Civil
12 Administrative Code of Illinois.

13 5. In enforcing this Section, the Department, upon a
14 showing of a possible violation, may compel any individual who
15 is registered under this Act or any individual who has applied
16 for registration to submit to a mental or physical examination
17 or evaluation, or both, which may include a substance abuse or
18 sexual offender evaluation, at the expense of the Department.
19 The Department shall specifically designate the examining
20 physician licensed to practice medicine in all of its branches
21 or, if applicable, the multidisciplinary team involved in
22 providing the mental or physical examination and evaluation.
23 The multidisciplinary team shall be led by a physician licensed
24 to practice medicine in all of its branches and may consist of
25 one or more or a combination of physicians licensed to practice
26 medicine in all of its branches, licensed chiropractic

1 physicians, licensed clinical psychologists, licensed clinical
2 social workers, licensed clinical professional counselors, and
3 other professional and administrative staff. Any examining
4 physician or member of the multidisciplinary team may require
5 any person ordered to submit to an examination and evaluation
6 pursuant to this Section to submit to any additional
7 supplemental testing deemed necessary to complete any
8 examination or evaluation process, including, but not limited
9 to, blood testing, urinalysis, psychological testing, or
10 neuropsychological testing.

11 The Department may order the examining physician or any
12 member of the multidisciplinary team to provide to the
13 Department any and all records, including business records,
14 that relate to the examination and evaluation, including any
15 supplemental testing performed. The Department may order the
16 examining physician or any member of the multidisciplinary team
17 to present testimony concerning this examination and
18 evaluation of the registrant or applicant, including testimony
19 concerning any supplemental testing or documents relating to
20 the examination and evaluation. No information, report,
21 record, or other documents in any way related to the
22 examination and evaluation shall be excluded by reason of any
23 common law or statutory privilege relating to communication
24 between the licensee or applicant and the examining physician
25 or any member of the multidisciplinary team. No authorization
26 is necessary from the registrant or applicant ordered to

1 undergo an evaluation and examination for the examining
2 physician or any member of the multidisciplinary team to
3 provide information, reports, records, or other documents or to
4 provide any testimony regarding the examination and
5 evaluation. The individual to be examined may have, at his or
6 her own expense, another physician of his or her choice present
7 during all aspects of the examination.

8 Failure of any individual to submit to mental or physical
9 examination or evaluation, or both, when directed, shall result
10 in an automatic suspension without hearing, until such time as
11 the individual submits to the examination. If the Department
12 finds a registrant unable to practice because of the reasons
13 set forth in this Section, the Department shall require such
14 registrant to submit to care, counseling, or treatment by
15 physicians approved or designated by the Department as a
16 condition for continued, reinstated, or renewed registration.

17 In instances in which the Secretary immediately suspends a
18 registration under this Section, a hearing upon such person's
19 registration must be convened by the Department within 15 days
20 after such suspension and completed without appreciable delay.
21 The Department shall have the authority to review the
22 registrant's record of treatment and counseling regarding the
23 impairment to the extent permitted by applicable federal
24 statutes and regulations safeguarding the confidentiality of
25 medical records.

26 Individuals registered under this Act who ~~that~~ are affected

1 under this Section, shall be afforded an opportunity to
2 demonstrate to the Department that they can resume practice in
3 compliance with acceptable and prevailing standards under the
4 provisions of their registration.

5 6. The Department shall deny a license or renewal
6 authorized by this Act to a person who has defaulted on an
7 educational loan or scholarship provided or guaranteed by the
8 Illinois Student Assistance Commission or any governmental
9 agency of this State in accordance with paragraph (5) of
10 subsection (a) of Section 2105-15 of the Civil Administrative
11 Code of Illinois.

12 7. In cases where the Department of Healthcare and Family
13 Services has previously determined a licensee or a potential
14 licensee is more than 30 days delinquent in the payment of
15 child support and has subsequently certified the delinquency to
16 the Department, the Department may refuse to issue or renew or
17 may revoke or suspend that person's license or may take other
18 disciplinary action against that person based solely upon the
19 certification of delinquency made by the Department of
20 Healthcare and Family Services in accordance with paragraph (5)
21 of subsection (a) of Section 2105-15 ~~1205-15~~ of the Civil
22 Administrative Code of Illinois.

23 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
24 98-339, eff. 12-31-13; revised 11-25-14.)

25 Section 285. The Professional Engineering Practice Act of

1 1989 is amended by changing Section 11 as follows:

2 (225 ILCS 325/11) (from Ch. 111, par. 5211)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 11. Minimum standards for examination for enrollment
5 as engineer intern. Each of the following is considered a
6 minimum standard that an applicant must satisfy to qualify for
7 enrollment as an engineer intern:~~:-~~

8 (a) A graduate of an approved engineering curriculum of
9 at least 4 years, who has passed an examination in the
10 fundamentals of engineering as defined by rule, shall be
11 enrolled as an engineer intern, if the applicant is
12 otherwise qualified; or

13 (b) An applicant in the last year of an approved
14 engineering curriculum who passes an examination in the
15 fundamentals of engineering as defined by rule and
16 furnishes proof that the applicant graduated within a 12
17 month period following the examination shall be enrolled as
18 an engineer intern, if the applicant is otherwise
19 qualified; or

20 (c) A graduate of a non-approved engineering
21 curriculum or a related science curriculum of at least 4
22 years and which meets the requirements as set forth by rule
23 by submitting an application to the Department for its
24 review and approval, who submits acceptable evidence to the
25 Board of an additional 4 years or more of progressive

1 experience in engineering work, and who has passed an
2 examination in the fundamentals of engineering as defined
3 by rule shall be enrolled as an engineer intern, if the
4 applicant is otherwise qualified.

5 (Source: P.A. 98-713, eff. 7-16-14; revised 11-25-14.)

6 Section 290. The Barber, Cosmetology, Esthetics, Hair
7 Braiding, and Nail Technology Act of 1985 is amended by
8 changing Section 2-4 as follows:

9 (225 ILCS 410/2-4) (from Ch. 111, par. 1702-4)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 2-4. Licensure as a barber teacher; qualifications. A
12 person is qualified to receive a license as a barber teacher if
13 that person files an application on forms provided by the
14 Department, pays the required fee, and:

- 15 a. Is at least 18 years of age;
- 16 b. Has graduated from high school or its equivalent;
- 17 c. Has a current license as a barber or cosmetologist;
- 18 d. Has graduated from a barber school or school of
19 cosmetology approved by the Department having:

20 (1) completed a total of 500 hours in barber
21 teacher training extending over a period of not less
22 than 3 months nor more than 2 years and has had 3 years
23 of practical experience as a licensed barber;

24 (2) completed a total of 1,000 hours of barber

1 teacher training extending over a period of not less
2 than 6 months nor more than 2 years; or

3 (3) completed the cosmetology teacher training as
4 specified in paragraph (4) of subsection (a) of Section
5 3-4 of this Act and completed a supplemental barbering
6 course as established by rule; ~~and~~

7 e. Has passed an examination authorized by the
8 Department to determine fitness to receive a license as a
9 barber teacher or a cosmetology teacher; and

10 f. Has met any other requirements set forth in this
11 Act.

12 An applicant who is issued a license as a Barber Teacher is
13 not required to maintain a barber license in order to practice
14 barbering as defined in this Act.

15 (Source: P.A. 97-777, eff. 7-13-12; 98-911, eff. 1-1-15;
16 revised 11-25-14.)

17 Section 295. The Cemetery Oversight Act is amended by
18 changing Section 5-25 as follows:

19 (225 ILCS 411/5-25)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 5-25. Powers of the Department. Subject to the
22 provisions of this Act, the Department may exercise the
23 following powers:

24 (1) Authorize certification programs to ascertain the

1 qualifications and fitness of applicants for licensing as a
2 licensed cemetery manager or as a customer service employee
3 to ascertain whether they possess the requisite level of
4 knowledge for such position.

5 (2) Examine a licensed cemetery authority's records
6 from any year or any other aspects of cemetery operation as
7 the Department deems appropriate.

8 (3) Investigate any and all cemetery operations.

9 (4) Conduct hearings on proceedings to refuse to issue
10 or renew licenses or to revoke, suspend, place on
11 probation, reprimand, or otherwise discipline a license
12 under this Act or take other non-disciplinary action.

13 (5) Adopt reasonable rules required for the
14 administration of this Act.

15 (6) Prescribe forms to be issued for the administration
16 and enforcement of this Act.

17 (7) Maintain rosters of the names and addresses of all
18 licensees and all persons whose licenses have been
19 suspended, revoked, denied renewal, or otherwise
20 disciplined within the previous calendar year. These
21 rosters shall be available upon written request and payment
22 of the required fee as established by rule.

23 (8) Work with the Office of the Comptroller and the
24 Department of Public Health, Division of Vital Records to
25 exchange information and request additional information
26 relating to a licensed cemetery authority.†

1 (9) Investigate cemetery contracts, grounds, or
2 employee records.

3 If the Department exercises its authority to conduct
4 investigations under this Section, the Department shall
5 provide the cemetery authority with information sufficient to
6 challenge the allegation. If the complainant consents, then the
7 Department shall provide the cemetery authority with the
8 identity of and contact information for the complainant so as
9 to allow the cemetery authority and the complainant to resolve
10 the complaint directly. Except as otherwise provided in this
11 Act, any complaint received by the Department and any
12 information collected to investigate the complaint shall be
13 maintained by the Department for the confidential use of the
14 Department and shall not be disclosed. The Department may not
15 disclose the information to anyone other than law enforcement
16 officials or other regulatory agencies or persons that have an
17 appropriate regulatory interest, as determined by the
18 Secretary, or to a party presenting a lawful subpoena to the
19 Department. Information and documents disclosed to a federal,
20 state, county, or local law enforcement agency shall not be
21 disclosed by the agency for any purpose to any other agency or
22 person. A formal complaint filed against a licensee by the
23 Department or any order issued by the Department against a
24 licensee or applicant shall be a public record, except as
25 otherwise prohibited by law.

26 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12; revised

1 11-25-14.)

2 Section 300. The Community Association Manager Licensing
3 and Disciplinary Act is amended by changing Section 155 as
4 follows:

5 (225 ILCS 427/155)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 155. Violations; penalties.

8 (a) A person who violates any of the following provisions
9 shall be guilty of a Class A misdemeanor; a person who commits
10 a second or subsequent violation of these provisions is guilty
11 of a Class 4 felony:

12 (1) The practice of or attempted practice of or holding
13 out as available to practice as a community association
14 manager~~r~~ or supervising community association manager
15 without a license.

16 (2) Operation of or attempt to operate a community
17 association management firm without a firm license or a
18 designated supervising community association manager.

19 (3) The obtaining of or the attempt to obtain any
20 license or authorization issued under this Act by
21 fraudulent misrepresentation.

22 (b) Whenever a licensee is convicted of a felony related to
23 the violations set forth in this Section, the clerk of the
24 court in any jurisdiction shall promptly report the conviction

1 to the Department and the Department shall immediately revoke
2 any license authorized under this Act held by that licensee.
3 The licensee shall not be eligible for licensure under this Act
4 until at least 10 years have elapsed since the time of full
5 discharge from any sentence imposed for a felony conviction. If
6 any person in making any oath or affidavit required by this Act
7 swears falsely, the person is guilty of perjury and may be
8 punished accordingly.

9 (Source: P.A. 98-365, eff. 1-1-14; revised 11-25-14.)

10 Section 305. The Illinois Public Accounting Act is amended
11 by changing Sections 0.02, 0.03, and 14.4 as follows:

12 (225 ILCS 450/0.02) (from Ch. 111, par. 5500.02)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 0.02. Declaration of public policy. It is the policy
15 of this State and the purpose of this Act:

16 (a) to ~~to~~ promote the dependability of information
17 which is used for guidance in financial transactions or for
18 accounting for or assessing the status or performance of
19 commercial and noncommercial enterprises, whether public,
20 private, or governmental; and

21 (b) to ~~to~~ protect the public interest by requiring that
22 persons engaged in the practice of public accounting be
23 qualified; that a public authority competent to prescribe
24 and assess the qualifications of public accountants be

1 established; and ~~that~~

2 (c) that preparing ~~Preparing~~, auditing, or examining
3 financial statements and issuing a report expressing or
4 disclaiming an opinion on such statements or expressing
5 assurance on such statements be reserved to persons who
6 demonstrate their ability and fitness to observe and apply
7 the standards of the accounting profession; and that the
8 use of accounting titles likely to confuse the public be
9 prohibited.

10 (Source: P.A. 98-254, eff. 8-9-13; revised 11-25-14.)

11 (225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 0.03. Definitions. As used in this Act, unless the
14 context otherwise requires:

15 "Accountancy activities" means the services as set forth in
16 Section 8.05 of the Act.

17 "Address of record" means the designated address recorded
18 by the Department in the applicant's, licensee's, or
19 registrant's application file or license file maintained by the
20 Department's licensure maintenance unit. It is the duty of the
21 applicant, licensee, or registrant to inform the Department of
22 any change of address, and those changes must be made either
23 through the Department's website or by directly contacting the
24 Department.

25 "Certificate" means a certificate issued by the Board or

1 University or similar jurisdictions specifying an individual
2 has successfully passed all sections and requirements of the
3 Uniform Certified Public Accountant Examination. A certificate
4 issued by the Board or University or similar jurisdiction does
5 not confer the ability to use the CPA title and is not
6 equivalent to a registration or license under this Act.

7 "Compilation" means providing a service to be performed in
8 accordance with Statements on Standards for Accounting and
9 Review Services that is presented in the form of financial
10 statements or information that is the representation of
11 management or owners without undertaking to express any
12 assurance on the statements.

13 "CPA" or "C.P.A." means a certified public accountant who
14 holds a license or registration issued by the Department or an
15 individual authorized to use the CPA title under Section 5.2 of
16 this Act.

17 "CPA firm" means a sole proprietorship, a corporation,
18 registered limited liability partnership, limited liability
19 company, partnership, professional service corporation, or any
20 other form of organization issued a license in accordance with
21 this Act.

22 "CPA (inactive)" means a licensed certified public
23 accountant who elects to have the Department place his or her
24 license on inactive status pursuant to Section 17.2 of this
25 Act.

26 "Financial statement" means a structured presentation of

1 historical financial information, including, but not limited
2 to, related notes intended to communicate an entity's economic
3 resources and obligations at a point in time or the changes
4 therein for a period of time in accordance with generally
5 accepted accounting principles (GAAP) or other comprehensive
6 basis of accounting (OCBOA).

7 "Other attestation engagements" means an engagement
8 performed in accordance with the Statements on Standards for
9 Attestation Engagements.

10 "Registered Certified Public Accountant" or "registered
11 CPA" means any person who has been issued a registration under
12 this Act as a Registered Certified Public Accountant.

13 "Report", when used with reference to financial
14 statements, means an opinion, report, or other form of language
15 that states or implies assurance as to the reliability of any
16 financial statements and that also includes or is accompanied
17 by any statement or implication that the person or firm issuing
18 it has special knowledge or competence in accounting or
19 auditing. Such a statement or implication of special knowledge
20 or competence may arise from use by the issuer of the report of
21 names or titles indicating that the person or firm is an
22 accountant or auditor, or from the language of the report
23 itself. "Report" includes any form of language that disclaims
24 an opinion when the form of language is conventionally
25 understood to imply any positive assurance as to the
26 reliability of the financial statements referred to or special

1 competence on the part of the person or firm issuing such
2 language; it includes any other form of language that is
3 conventionally understood to imply such assurance or such
4 special knowledge or competence.

5 "Licensed Certified Public Accountant" or "licensed CPA"
6 means any person licensed under this Act as a Licensed
7 Certified Public Accountant.

8 "Committee" means the Public Accountant Registration and
9 Licensure Committee appointed by the Secretary.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "License", "licensee", and "licensure" refer ~~refers~~ to the
13 authorization to practice under the provisions of this Act.

14 "Peer review" means a study, appraisal, or review of one or
15 more aspects of a CPA firm's or sole practitioner's compliance
16 with applicable accounting, auditing, and other attestation
17 standards adopted by generally recognized standard-setting
18 bodies.

19 "Principal place of business" means the office location
20 designated by the licensee from which the person directs,
21 controls, and coordinates his or her professional services.

22 "Review committee" means any person or persons conducting,
23 reviewing, administering, or supervising a peer review
24 program.

25 "Secretary" means the Secretary of the Department of
26 Financial and Professional Regulation.

1 "University" means the University of Illinois.

2 "Board" means the Board of Examiners established under
3 Section 2.

4 "Registration", "registrant", and "registered" refer to
5 the authorization to hold oneself out as or use the title
6 "Registered Certified Public Accountant" or "Certified Public
7 Accountant", unless the context otherwise requires.

8 "Peer Review Administrator" means an organization
9 designated by the Department that meets the requirements of
10 subsection (f) of Section 16 of this Act and other rules that
11 the Department may adopt.

12 (Source: P.A. 98-254, eff. 8-9-13; revised 11-25-14.)

13 (225 ILCS 450/14.4)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 14.4. Qualifications for licensure as a CPA firm. The
16 Department may license as licensed CPA firms individuals or
17 entities meeting the following requirements:

18 (1) A majority of the ownership of the firm, in terms
19 of financial interests and voting rights of all partners,
20 officers, shareholders, or members, belongs to persons
21 licensed or registered in some state. All partners,
22 officers, shareholders, or members, whose principal place
23 of business is in this State and who have overall
24 responsibility for accountancy activities in this State,
25 as defined in paragraph (1) of subsection (a) of Section

1 8.05 of this Act, must hold a valid license as a licensed
2 CPA issued by this State. An individual exercising the
3 practice privilege afforded under Section 5.2 who performs
4 services for which a firm license is required under
5 subsection (d) of Section 5.2 shall not be required to
6 obtain an individual license under this Act.

7 (2) All owners of the CPA firm, whether licensed as a
8 licensed CPA or not, shall be active participants in the
9 CPA firm or its affiliated entities and shall comply with
10 the rules adopted under this Act.

11 (3) It shall be lawful for a nonprofit cooperative
12 association engaged in rendering an auditing and
13 accounting service to its members only to continue to
14 render that service provided that the rendering of an
15 auditing and accounting service by the cooperative
16 association shall at all times be under the control and
17 supervision of licensed CPAs.

18 (4) An individual who supervises services for which a
19 license is required under paragraph (1) of subsection (a)
20 of Section 8.05 of this Act, who signs or authorizes
21 another to sign any report for which a license is required
22 under paragraph (1) of subsection (a) of Section 8.05 of
23 this Act, or who supervises services for which a CPA firm
24 license is required under subsection (d) of Section 5.2 of
25 this Act shall hold a valid, active licensed CPA license
26 from this State or another state considered to be

1 substantially equivalent under paragraph (1) of subsection
2 (a) of Section 5.2.

3 (5) The CPA firm shall designate to the Department in
4 writing an individual licensed as a licensed CPA under this
5 Act or, in the case of a firm that must have a CPA firm
6 license pursuant to subsection (b) of Section 13 of this
7 Act, a licensee of another state who meets the requirements
8 set out in paragraph (1) or (2) of subsection (a) of
9 Section 5.2 of this Act, who shall be responsible for the
10 proper licensure of the CPA firm.

11 (Source: P.A. 98-254, eff. 8-9-13; 98-730, eff. 1-1-15; revised
12 11-25-14.)

13 Section 310. The Real Estate Appraiser Licensing Act of
14 2002 is amended by changing Section 5-5 as follows:

15 (225 ILCS 458/5-5)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 5-5. Necessity of license; use of title; exemptions.

18 (a) It is unlawful for a person to (i) act, offer services,
19 or advertise services as a State certified general real estate
20 appraiser, State certified residential real estate appraiser,
21 or associate real estate trainee appraiser, (ii) develop a real
22 estate appraisal, (iii) practice as a real estate appraiser, or
23 (iv) advertise or hold himself or herself out to be a real
24 estate appraiser without a license issued under this Act. A

1 person who violates this subsection is guilty of a Class A
2 misdemeanor for a first offense and a Class 4 felony for any
3 subsequent offense.

4 (a-5) It is unlawful for a person, unless registered as an
5 appraisal management company, to solicit clients or enter into
6 an appraisal engagement with clients without either a certified
7 residential real estate appraiser license or a certified
8 general real estate appraiser license issued under this Act. A
9 person who violates this subsection is guilty of a Class A
10 misdemeanor for a first offense and a Class 4 felony for any
11 subsequent offense.

12 (b) It is unlawful for a person, other than a person who
13 holds a valid license issued pursuant to this Act as a State
14 certified general real estate appraiser, a State certified
15 residential real estate appraiser, or an associate real estate
16 trainee appraiser to use these titles or any other title,
17 designation, or abbreviation likely to create the impression
18 that the person is licensed as a real estate appraiser pursuant
19 to this Act. A person who violates this subsection is guilty of
20 a Class A misdemeanor for a first offense and a Class 4 felony
21 for any subsequent offense.

22 (c) This Act does not apply to a person who holds a valid
23 license as a real estate broker or managing broker pursuant to
24 the Real Estate License Act of 2000 who prepares or provides a
25 broker price opinion or comparative market analysis in
26 compliance with Section 10-45 of the Real Estate License Act of

1 2000.

2 (d) Nothing in this Act shall preclude a State certified
3 general real estate appraiser, a State certified residential
4 real estate appraiser, or an associate real estate trainee
5 appraiser from rendering appraisals for or on behalf of a
6 partnership, association, corporation, firm, or group.
7 However, no State appraisal license or certification shall be
8 issued under this Act to a partnership, association,
9 corporation, firm, or group.

10 (e) This Act does not apply to a county assessor, township
11 assessor, multi-township assessor, county supervisor of
12 assessments, or any deputy or employee of any county assessor,
13 township assessor, multi-township assessor, or county
14 supervisor of assessments who is performing his or her
15 respective duties in accordance with the provisions of the
16 Property Tax Code.

17 (e-5) For the purposes of this Act, valuation waivers may
18 be prepared by a licensed appraiser notwithstanding any other
19 provision of this Act, and the following types of valuations
20 are not appraisals and may not be represented to be appraisals,
21 and a license is not required under this Act to perform such
22 valuations if the valuations are performed by (1) an employee
23 of the Illinois Department of Transportation who has completed
24 a minimum of 45 hours of course work in real estate appraisal,
25 including the principals of real estate appraisals, appraisal
26 of partial acquisitions, easement valuation, reviewing

1 appraisals in eminent domain, appraisal for federal aid highway
2 programs, and appraisal review for federal aid highway programs
3 and has at least 2 years' experience in a field closely related
4 to real estate; (2) a county engineer who is a registered
5 professional engineer under the Professional Engineering
6 Practice Act of 1989; (3) an employee of a municipality who has
7 (i) completed a minimum of 45 hours of coursework in real
8 estate appraisal, including the principals of real estate
9 appraisals, appraisal of partial acquisitions, easement
10 valuation, reviewing appraisals in eminent domain, appraisal
11 for federal aid highway programs, and appraisal review for
12 federal aid highway programs and (ii) has either 2 years'
13 experience in a field clearly related to real estate or has
14 completed 20 hours of additional coursework that is sufficient
15 for a person to complete waiver valuations as approved by the
16 Federal Highway Administration; or (4) a municipal engineer who
17 has completed coursework that is sufficient for his or her
18 waiver valuations to be approved by the Federal Highway
19 Administration and who is a registered professional engineer
20 under the Professional Engineering Act of 1989, under the
21 following circumstances:

22 (A) a valuation waiver in an amount not to exceed
23 \$10,000 prepared pursuant to the federal Uniform
24 Relocation Assistance and Real Property Acquisition
25 Policies Act of 1970, or prepared pursuant to the federal
26 Uniform Relocation Assistance and Real Property

1 Acquisition for Federal and Federally-Assisted Programs
2 regulations and which is performed by (1) an employee of
3 the Illinois Department of Transportation and co-signed,
4 with a license number affixed, by another employee of the
5 Illinois Department of Transportation who is a registered
6 professional engineer under the Professional Engineering
7 Practice Act of 1989 or (2) an employee of a municipality
8 and co-signed with a license number affixed by a county or
9 municipal engineer who is a registered professional
10 engineer under the Professional Engineering Practice Act
11 of 1989; and

12 (B) a valuation waiver in an amount not to exceed
13 \$10,000 prepared pursuant to the federal Uniform
14 Relocation Assistance and Real Property Acquisition
15 Policies Act of 1970, or prepared pursuant to the federal
16 Uniform Relocation Assistance and Real Property
17 Acquisition for Federal and Federally-Assisted Programs
18 regulations and which is performed by a county or municipal
19 engineer who is employed by a county or municipality and is
20 a registered professional engineer under the Professional
21 Engineering Practice Act of 1989. In addition to his or her
22 signature, the county or municipal engineer shall affix his
23 or her license number to the valuation.

24 Nothing in this subsection (e-5) shall be construed to
25 allow the State of Illinois, a political subdivision thereof,
26 or any public body to acquire real estate by eminent domain in

1 any manner other than provided for in the Eminent Domain Act.

2 (f) A State real estate appraisal certification or license
3 is not required under this Act for any of the following:

4 (1) A person, partnership, association, or corporation
5 that performs appraisals of property owned by that person,
6 partnership, association, or corporation for the sole use
7 of that person, partnership, association, or corporation.

8 (2) A court-appointed commissioner who conducts an
9 appraisal pursuant to a judicially ordered evaluation of
10 property.

11 However, any person who is certified or licensed under this Act
12 and who performs any of the activities set forth in this
13 subsection (f) must comply with the provisions of this Act. A
14 person who violates this subsection (f) is guilty of a Class A
15 misdemeanor for a first offense and a Class 4 felony for any
16 subsequent offense.

17 (g) This Act does not apply to an employee, officer,
18 director, or member of a credit or loan committee of a
19 financial institution or any other person engaged by a
20 financial institution when performing an evaluation of real
21 property for the sole use of the financial institution in a
22 transaction for which the financial institution would not be
23 required to use the services of a State licensed or State
24 certified appraiser pursuant to federal regulations adopted
25 under Title XI of the federal Financial Institutions Reform,
26 Recovery, and Enforcement Act of 1989, nor does this Act apply

1 to the procurement of an automated valuation model.

2 "Automated valuation model" means an automated system that
3 is used to derive a property value through the use of publicly
4 available property records and various analytic methodologies
5 such as comparable sales prices, home characteristics, and
6 historical home price appreciations.

7 (Source: P.A. 97-602, eff. 8-26-11; 98-444, eff. 8-16-13;
8 98-933, eff. 1-1-15; 98-1109, eff. 1-1-15; revised 10-2-14.)

9 Section 315. The Illinois Oil and Gas Act is amended by
10 changing Section 1 as follows:

11 (225 ILCS 725/1) (from Ch. 96 1/2, par. 5401)

12 Sec. 1. Unless the context otherwise requires, the words
13 defined in this Section have the following meanings as used in
14 this Act.

15 "Person" means any natural person, corporation,
16 association, partnership, governmental agency or other legal
17 entity, receiver, trustee, guardian, executor, administrator,
18 fiduciary or representative of any kind.

19 "Oil" means natural crude oil or petroleum and other
20 hydrocarbons, regardless of gravity, which are produced at the
21 well in liquid form by ordinary production methods or by the
22 use of an oil and gas separator and which are not the result of
23 condensation of gas after it leaves the underground reservoir.

24 "Gas" means all natural gas, including casinghead gas, and

1 all other natural hydrocarbons not defined above as oil.

2 "Pool" means a natural, underground reservoir containing
3 in whole or in part, a natural accumulation of oil or gas, or
4 both. Each productive zone or stratum of a general structure,
5 which is completely separated from any other zone or stratum in
6 the structure, is deemed a separate "pool" as used herein.

7 "Field" means the same general surface area which is
8 underlaid or appears to be underlaid by one or more pools.

9 "Permit" means the Department's written authorization
10 allowing a well to be drilled, deepened, converted, or operated
11 by an owner.

12 "Permittee" means the owner holding or required to hold the
13 permit, and who is also responsible for paying assessments in
14 accordance with Section 19.7 of this Act and, where applicable,
15 executing and filing the bond associated with the well as
16 principal and who is responsible for compliance with all
17 statutory and regulatory requirements pertaining to the well.

18 When the right and responsibility for operating a well is
19 vested in a receiver or trustee appointed by a court of
20 competent jurisdiction, the permit shall be issued to the
21 receiver or trustee.

22 "Orphan Well" means a well for which: (1) no fee assessment
23 under Section 19.7 of this Act has been paid or no other bond
24 coverage has been provided for 2 consecutive years; (2) no oil
25 or gas has been produced from the well or from the lease or
26 unit on which the well is located for 2 consecutive years; and

1 (3) no permittee or owner can be identified or located by the
2 Department. Orphaned wells include wells that may have been
3 drilled for purposes other than those for which a permit is
4 required under this Act if the well is a conduit for oil or
5 salt water intrusions into fresh water zones or onto the
6 surface which may be caused by oil and gas operations.

7 "Owner" means the person who has the right to drill into
8 and produce from any pool, and to appropriate the production
9 either for the person or for the person and another, or others,
10 or solely for others, excluding the mineral owner's royalty if
11 the right to drill and produce has been granted under an oil
12 and gas lease. An owner may also be a person granted the right
13 to drill and operate an injection (Class II UIC) well
14 independent of the right to drill for and produce oil or gas.
15 When the right to drill, produce, and appropriate production is
16 held by more than one person, then all persons holding these
17 rights may designate the owner by a written operating agreement
18 or similar written agreement. In the absence of such an
19 agreement, and subject to the provisions of Sections 22.2 and
20 23.1 through 23.16 of this Act, the owner shall be the person
21 designated in writing by a majority in interest of the persons
22 holding these rights.

23 "Department" means the Department of Natural Resources.

24 "Director" means the Director of Natural Resources.

25 "Mining Board" means the State Mining Board in the
26 Department of Natural Resources, Office of Mines and Minerals.

1 "Mineral Owner's Royalty" means the share of oil and gas
2 production reserved in an oil and gas lease free of all costs
3 by an owner of the minerals whether denominated royalty or
4 overriding royalty.

5 "Waste" means "physical waste" as that term is generally
6 understood in the oil and gas industry, and further includes:

7 (1) the locating, drilling, and producing of any oil or
8 gas well or wells drilled contrary to the valid order,
9 rules and regulations adopted by the Department under the
10 provisions of this Act;

11 (2) permitting the migration of oil, gas, or water from
12 the stratum in which it is found, into other strata,
13 thereby ultimately resulting in the loss of recoverable
14 oil, gas or both;

15 (3) the drowning with water of any stratum or part
16 thereof capable of producing oil or gas, except for
17 secondary recovery purposes;

18 (4) the unreasonable damage to underground, fresh or
19 mineral water supply, workable coal seams, or other mineral
20 deposits in the operations for the discovery, development,
21 production, or handling of oil and gas;

22 (5) the unnecessary or excessive surface loss or
23 destruction of oil or gas resulting from evaporation,
24 seepage, leakage or fire, especially such loss or
25 destruction incident to or resulting from the escape of gas
26 into the open air in excessive or unreasonable amounts,

1 provided, however, it shall not be unlawful for the
2 operator or owner of any well producing both oil and gas to
3 burn such gas in flares when such gas is, under the other
4 provisions of this Act, lawfully produced, and where there
5 is no market at the well for such escaping gas; and where
6 the same is used for the extraction of casinghead gas, it
7 shall not be unlawful for the operator of the plant after
8 the process of extraction is completed, to burn such
9 residue in flares when there is no market at such plant for
10 such residue gas;

11 (6) permitting unnecessary fire hazards;

12 (7) permitting unnecessary damage to or destruction of
13 the surface, soil, animal, fish or aquatic life or property
14 from oil or gas operations.

15 "Drilling Unit" means the surface area allocated by an
16 order or regulation of the Department to the drilling of a
17 single well for the production of oil or gas from an individual
18 pool.

19 "Enhanced Recovery Method" means any method used in an
20 effort to recover hydrocarbons from a pool by injection of
21 fluids, gases or other substances to maintain, restore or
22 augment natural reservoir energy, or by introducing immiscible
23 or miscible gases, chemicals, other substances or heat or by
24 in-situ combustion, or by any combination thereof.

25 "Well-Site Equipment" means any production-related
26 equipment or materials specific to the well, including motors,

1 pumps, pump jacks, tanks, tank batteries, separators,
2 compressors, casing, tubing, and rods.

3 (Source: P.A. 89-243, eff. 8-4-95; 89-445, eff. 2-7-96; revised
4 11-25-14.)

5 Section 320. The Hydraulic Fracturing Regulatory Act is
6 amended by changing Sections 1-40, 1-96, 1-100, 1-101, and
7 1-110 as follows:

8 (225 ILCS 732/1-40)

9 Sec. 1-40. Public notice.

10 (a) Within 5 calendar days after the Department's receipt
11 of the high volume horizontal hydraulic fracturing
12 application, the Department shall post notice of its receipt
13 and a copy of the permit application on its website. The notice
14 shall include the dates of the public comment period and
15 directions for interested parties to submit comments.

16 (b) Within 5 calendar days after the Department's receipt
17 of the permit application and notice to the applicant that the
18 high volume horizontal hydraulic fracturing permit application
19 was received, the Department shall provide the Agency, the
20 Office of the State Fire Marshal, the Illinois State Water
21 Survey, and the Illinois State Geological Survey with notice of
22 the application.

23 (c) The applicant shall provide the following public
24 notice:

1 (1) Applicants shall mail specific public notice by
2 U.S. Postal Service certified mail, return receipt
3 requested, within 3 calendar days after submittal of the
4 high volume horizontal hydraulic fracturing permit
5 application to the Department, to all persons identified as
6 owners of real property within 1,500 feet of the proposed
7 well site, as disclosed by the records in the office of the
8 recorder of the county or counties, and to each
9 municipality and county in which the well site is proposed
10 to be located.

11 (2) Except as otherwise provided in this paragraph (2)
12 of subsection (c), applicants shall provide general public
13 notice by publication, once each week for 2 consecutive
14 weeks, beginning no later than 3 calendar days after
15 submittal of the high volume horizontal hydraulic
16 fracturing permit application to the Department, in a
17 newspaper of general circulation published in each county
18 where the well proposed for high volume hydraulic
19 fracturing operations is proposed to be located.

20 If a well is proposed for high volume hydraulic
21 fracturing operations in a county where there is no daily
22 newspaper of general circulation, the applicant shall
23 provide general public notice, by publication, once each
24 week for 2 consecutive weeks, in a weekly newspaper of
25 general circulation in that county beginning as soon as the
26 publication schedule of the weekly newspaper permits, but

1 in no case later than 10 days after submittal of the high
2 volume hydraulic fracturing permit application to the
3 Department.

4 (3) The specific and general public notices required
5 under this subsection shall contain the following
6 information:

7 (A) the name and address of the applicant;

8 (B) the date the application for a high volume
9 horizontal hydraulic fracturing permit was filed;

10 (C) the dates for the public comment period and a
11 statement that anyone may file written comments about
12 any portion of the applicant's submitted high volume
13 horizontal hydraulic fracturing permit application
14 with the Department during the public comment period;

15 (D) the proposed well name, reference number
16 assigned by the Department, and the address and legal
17 description of the well site and its unit area;

18 (E) a statement that the information filed by the
19 applicant in their application for a high volume
20 horizontal hydraulic fracturing permit is available
21 from the Department through its website;

22 (F) the Department's website and the address and
23 telephone number for the Department's Oil and Gas
24 Division;

25 (G) a statement that any person having an interest
26 that is or may be adversely affected, any government

1 agency that is or may be affected, or the county board
2 of a county to be affected under a proposed permit, may
3 file written objections to a permit application and may
4 request a public hearing.

5 (d) After providing the public notice as required under
6 paragraph (2) of subsection (c) of this Section, the applicant
7 shall supplement its permit application by providing the
8 Department with a certification and documentation that the
9 applicant fulfilled the public notice requirements of this
10 Section. The Department shall not issue a permit until the
11 applicant has provided the supplemental material required
12 under this subsection.

13 (e) If multiple applications are submitted at the same time
14 for wells located on the same well site, the applicant may use
15 one public notice for all applications provided the notice is
16 clear that it pertains to multiple applications and conforms to
17 the requirements of this Section. Notice shall not constitute
18 standing for purposes of requesting a public hearing or for
19 standing to appeal the decision of the Department in accordance
20 with the Administrative Review Law.

21 (Source: P.A. 98-22, eff. 6-17-13; revised 11-25-14.)

22 (225 ILCS 732/1-96)

23 Sec. 1-96. Seismicity.

24 (a) For purposes of this Section, "induced seismicity"
25 means an earthquake event that is felt, recorded by the

1 national seismic network, and attributable to a Class II
2 injection well used for disposal of flowback ~~flow-back~~ and
3 produced fluid from hydraulic fracturing operations.

4 (b) The Department shall adopt rules, in consultation with
5 the Illinois State Geological Survey, establishing a protocol
6 for controlling operational activity of Class II injection
7 wells in an instance of induced seismicity.

8 (c) The rules adopted by the Department under this Section
9 shall employ a "traffic light" control system allowing for low
10 levels of seismicity while including additional monitoring and
11 mitigation requirements when seismic events are of sufficient
12 intensity to result in a concern for public health and safety.

13 (d) The additional mitigation requirements referenced in
14 subsection (c) of this Section shall provide for either the
15 scaling back of injection operations with monitoring for
16 establishment of a potentially safe operation level or the
17 immediate cessation of injection operations.

18 (Source: P.A. 98-22, eff. 6-17-13; revised 11-25-14.)

19 (225 ILCS 732/1-100)

20 Sec. 1-100. Criminal offenses; penalties.

21 (a) Except as otherwise provided in this Section, it shall
22 be a Class A misdemeanor to knowingly violate this Act, its
23 rules, or any permit or term or condition thereof, or knowingly
24 to submit any false information under this Act or regulations
25 adopted thereunder, or under any permit or term or condition

1 thereof. A person convicted or sentenced under this subsection
2 (a) shall be subject to a fine of not to exceed \$10,000 for
3 each day of violation.

4 (b) It is unlawful for a person knowingly to violate:

5 (1) subsection (c) of Section 1-25 of this Act;

6 (2) subsection (d) of Section 1-25 of this Act;

7 (3) subsection (a) of Section 1-30 of this Act;

8 (4) paragraph (9) of subsection (c) of Section 1-75 of
9 this Act; or

10 (5) subsection (a) of Section 1-87 of this Act.

11 A person convicted or sentenced for any knowing violation
12 of the requirements or prohibitions listed in this subsection
13 (b) commits a Class 4 felony, and in addition to any other
14 penalty prescribed by law is subject to a fine not to exceed
15 \$25,000 for each day of violation. A person who commits a
16 second or subsequent knowing violation of the requirements or
17 prohibitions listed in this subsection (b) commits a Class 3
18 felony and, in addition to any other penalties provided by law,
19 is subject to a fine not to exceed \$50,000 for each day of
20 violation.

21 (c) Any person who knowingly makes a false, fictitious, or
22 fraudulent material statement, orally or in writing, to the
23 Department or Agency as required by this Act, its rules, or any
24 permit, term, or condition of a permit, commits a Class 4
25 felony, and each false, fictitious, or fraudulent statement or
26 writing shall be considered a separate violation. In addition

1 to any other penalty prescribed by law, a person ~~persons~~ in
2 violation of this subsection (c) is subject to a fine of not to
3 exceed \$25,000 for each day of violation. A person who commits
4 a second or subsequent knowing violation of this subsection (c)
5 commits a Class 3 felony and, in addition to any other
6 penalties provided by law, is subject to a fine not to exceed
7 \$50,000 for each day of violation.

8 (d) Any criminal action provided for under this Section
9 shall be brought by the State's Attorney of the county in which
10 the violation occurred or by the Attorney General and shall be
11 conducted in accordance with the applicable provision of the
12 Code of Criminal Procedure of 1963. For criminal conduct in
13 this Section, the period for commencing prosecution shall not
14 begin to run until the offense is discovered by or reported to
15 a State or local agency having authority to investigate
16 violations of this Act.

17 (Source: P.A. 98-22, eff. 6-17-13; revised 11-26-14.)

18 (225 ILCS 732/1-101)

19 Sec. 1-101. Violations; civil penalties and injunctions.

20 (a) Except as otherwise provided in this Section, any
21 person who violates any provision of this Act or any rule or
22 order adopted under this Act or any permit issued under this
23 Act shall be liable for a civil penalty not to exceed \$50,000
24 for the violation and an additional civil penalty not to exceed
25 \$10,000 for each day during which the violation continues.

1 (b) Any person who violates any requirements or
2 prohibitions of provisions listed in this subsection (b) is
3 subject to a civil penalty not to exceed \$100,000 for the
4 violation and an additional civil penalty not to exceed \$20,000
5 for each day during which the violation continues. The
6 following are violations are subject to the penalties of this
7 subsection (b):

8 (1) subsection (c) of Section 1-25 of this Act;

9 (2) subsection (d) of Section 1-25 of this Act;

10 (3) subsection (a) of Section 1-30 of this Act;

11 (4) paragraph (9) of subsection (c) of Section 1-75 of
12 this Act; or

13 (5) subsection (a) of Section 1-87 of this Act.

14 (c) Any person who knowingly makes, submits, causes to be
15 made, or causes to be submitted a false report of pollution,
16 diminution, or water pollution attributable to high volume
17 horizontal hydraulic fracturing operations that results in an
18 investigation by the Department or Agency under this Act shall
19 be liable for a civil penalty not to exceed \$1,000 for the
20 violation.

21 (d) The penalty shall be recovered by a civil action before
22 the circuit court of the county in which the well site is
23 located or in the circuit court of Sangamon County. Venue shall
24 be considered proper in either court. These penalties may, upon
25 the order of a court of competent jurisdiction, be made payable
26 to the Environmental Protection Trust Fund, to be used in

1 accordance with the provisions of the Environmental Protection
2 Trust Fund Act.

3 (e) The State's Attorney of the county in which the
4 violation occurred, or the Attorney General, may, at the
5 request of the Department or on his or her own motion,
6 institute a civil action for the recovery of costs, an
7 injunction, prohibitory or mandatory, to restrain violations
8 of this Act, any rule adopted under this Act, the permit or
9 term or condition of the permit, or to require other actions as
10 may be necessary to address violations of this Act, any rule
11 adopted under this Act, or the permit or term or condition of
12 the permit.

13 (f) The State's Attorney of the county in which the
14 violation occurred, or the Attorney General, shall bring
15 actions under this Section in the name of the People of the
16 State of Illinois. Without limiting any other authority that
17 may exist for the awarding of attorney's fees and costs, a
18 court of competent jurisdiction may award costs and reasonable
19 attorney's fees, including the reasonable costs of expert
20 witnesses and consultants, to the State's Attorney or the
21 Attorney General in a case where he or she has prevailed
22 against a person who has committed a knowing or repeated
23 violation of this Act, any rule adopted under this Act, or the
24 permit or term or condition of the permit.

25 (g) All final orders imposing civil penalties under this
26 Section shall prescribe the time for payment of those

1 penalties. If any penalty is not paid within the time
2 prescribed, interest on the penalty at the rate set forth in
3 subsection (a) of Section 1003 of the Illinois Income Tax Act,
4 shall be paid for the period from the date payment is due until
5 the date payment is received. However, if the time for payment
6 is stayed during the pendency of an appeal, interest shall not
7 accrue during the stay.

8 (Source: P.A. 98-22, eff. 6-17-13; revised 11-26-14.)

9 (225 ILCS 732/1-110)

10 Sec. 1-110. Public information; website.

11 (a) All information submitted to the Department under this
12 Act is deemed public information, except information deemed to
13 constitute a trade secret under Section 1-77 of this Act and
14 private information and personal information as defined in the
15 Freedom of Information Act.

16 (b) To provide the public and concerned citizens with a
17 centralized repository of information, the Department shall
18 create and maintain a comprehensive website dedicated to
19 providing information concerning high volume horizontal
20 hydraulic fracturing operations. The website shall contain,
21 assemble, and link the documents and information required by
22 this Act to be posted on the Department's or other agencies'
23 websites. The Department shall also create and maintain an
24 online searchable database that provides information related
25 to high volume horizontal hydraulic fracturing operations on

1 wells that, at a minimum, includes ~~include~~, for each well it
2 permits, the identity of its operators, its waste disposal, its
3 chemical disclosure information, and any complaints or
4 violations under this Act. The website created under this
5 Section shall allow users to search for completion reports by
6 well name and location, dates of fracturing and drilling
7 operations, operator, and by chemical additives.

8 (Source: P.A. 98-22, eff. 6-17-13; revised 11-26-14.)

9 Section 325. The Illinois Horse Racing Act of 1975 is
10 amended by changing Section 12.2 as follows:

11 (230 ILCS 5/12.2)

12 Sec. 12.2. Business enterprise program.

13 (a) For the purposes of this Section, the terms "minority",
14 "minority owned business", "female", "female owned business",
15 "person with a disability", and "business owned by a person
16 with a disability" have the meanings ~~meaning~~ ascribed to them
17 in the Business Enterprise for Minorities, Females, and Persons
18 with Disabilities Act.

19 (b) The Board shall, by rule, establish goals for the award
20 of contracts by each organization licensee or inter-track
21 wagering licensee to businesses owned by minorities, females,
22 and persons with disabilities, expressed as percentages of an
23 organization licensee's or inter-track wagering licensee's
24 total dollar amount of contracts awarded during each calendar

1 year. Each organization licensee or inter-track wagering
2 licensee must make every effort to meet the goals established
3 by the Board pursuant to this Section. When setting the goals
4 for the award of contracts, the Board shall not include
5 contracts where: (1) licensees are purchasing goods or services
6 from vendors or suppliers or in markets where there are no or a
7 limited number of minority owned businesses, women owned
8 businesses, or businesses owned by persons with disabilities
9 that would be sufficient to satisfy the goal; (2) there are no
10 or a limited number of suppliers licensed by the Board; (3) the
11 licensee or its parent company owns a company that provides the
12 goods or services; or (4) the goods or services are provided to
13 the licensee by a publicly traded company.

14 (c) Each organization licensee or inter-track wagering
15 licensee shall file with the Board an annual report of its
16 utilization of minority owned businesses, female owned
17 businesses, and businesses owned by persons with disabilities
18 during the preceding calendar year. The reports shall include a
19 self-evaluation of the efforts of the organization licensee or
20 inter-track wagering licensee to meet its goals under this
21 Section.

22 (d) The organization licensee or inter-track wagering
23 licensee shall have the right to request a waiver from the
24 requirements of this Section. The Board shall grant the waiver
25 where the organization licensee or inter-track wagering
26 licensee demonstrates that there has been made a good faith

1 effort to comply with the goals for participation by minority
2 owned businesses, female owned businesses, and businesses
3 owned by persons with disabilities.

4 (e) If the Board determines that its goals and policies are
5 not being met by any organization licensee or inter-track
6 wagering licensee, then the Board may:

7 (1) adopt remedies for such violations; and

8 (2) recommend that the organization licensee or
9 inter-track wagering licensee provide additional
10 opportunities for participation by minority owned
11 businesses, female owned businesses, and businesses owned
12 by persons with disabilities; such recommendations may
13 include, but shall not be limited to:

14 (A) assurances of stronger and better focused
15 solicitation efforts to obtain more minority owned
16 businesses, female owned businesses, and businesses
17 owned by persons with disabilities as potential
18 sources of supply;

19 (B) division of job or project requirements, when
20 economically feasible, into tasks or quantities to
21 permit participation of minority owned businesses,
22 female owned businesses, and businesses owned by
23 persons with disabilities;

24 (C) elimination of extended experience or
25 capitalization requirements, when programmatically
26 feasible, to permit participation of minority owned

1 businesses, female owned businesses, and businesses
2 owned by persons with disabilities;

3 (D) identification of specific proposed contracts
4 as particularly attractive or appropriate for
5 participation by minority owned businesses, female
6 owned businesses, and businesses owned by persons with
7 disabilities, such identification to result from and
8 be coupled with the efforts of items (A) through (C);
9 and

10 (E) implementation of regulations established for
11 the use of the sheltered market process.

12 (f) The Board shall file, no later than March 1 of each
13 year, an annual report that shall detail the level of
14 achievement toward the goals specified in this Section over the
15 3 most recent fiscal years. The annual report shall include,
16 but need not be limited to:

17 (1) a summary detailing expenditures subject to the
18 goals, the actual goals specified, and the goals attained
19 by each organization licensee or inter-track wagering
20 licensee;

21 (2) a summary of the number of contracts awarded and
22 the average contract amount by each organization licensee
23 or inter-track wagering licensee;

24 (3) an analysis of the level of overall goal
25 achievement concerning purchases from minority owned
26 businesses, female owned businesses, and businesses owned

1 by persons with disabilities;

2 (4) an analysis of the number of minority owned
3 businesses, female owned businesses, and businesses owned
4 by persons with disabilities that are certified under the
5 program as well as the number of those businesses that
6 received State procurement contracts; and

7 (5) a summary of the number of contracts awarded to
8 businesses with annual gross sales of less than \$1,000,000;
9 of \$1,000,000 or more, but less than \$5,000,000; of
10 \$5,000,000 or more, but less than \$10,000,000; and of
11 \$10,000,000 or more.

12 (Source: P.A. 98-490, eff. 8-16-13; revised 11-26-14.)

13 Section 330. The Riverboat Gambling Act is amended by
14 changing Section 7.6 as follows:

15 (230 ILCS 10/7.6)

16 Sec. 7.6. Business enterprise program.

17 (a) For the purposes of this Section, the terms "minority",
18 "minority owned business", "female", "female owned business",
19 "person with a disability", and "business owned by a person
20 with a disability" have the meanings ~~meaning~~ ascribed to them
21 in the Business Enterprise for Minorities, Females, and Persons
22 with Disabilities Act.

23 (b) The Board shall, by rule, establish goals for the award
24 of contracts by each owners licensee to businesses owned by

1 minorities, females, and persons with disabilities, expressed
2 as percentages of an owners licensee's total dollar amount of
3 contracts awarded during each calendar year. Each owners
4 licensee must make every effort to meet the goals established
5 by the Board pursuant to this Section. When setting the goals
6 for the award of contracts, the Board shall not include
7 contracts where: (1) any purchasing mandates would be dependent
8 upon the availability of minority owned businesses, female
9 owned businesses, and businesses owned by persons with
10 disabilities ready, willing, and able with capacity to provide
11 quality goods and services to a gaming operation at reasonable
12 prices; (2) there are no or a limited number of licensed
13 suppliers as defined by this Act for the goods or services
14 provided to the licensee; (3) the licensee or its parent
15 company owns a company that provides the goods or services; or
16 (4) the goods or services are provided to the licensee by a
17 publicly traded company.

18 (c) Each owners licensee shall file with the Board an
19 annual report of its utilization of minority owned businesses,
20 female owned businesses, and businesses owned by persons with
21 disabilities during the preceding calendar year. The reports
22 shall include a self-evaluation of the efforts of the owners
23 licensee to meet its goals under this Section.

24 (d) The owners licensee shall have the right to request a
25 waiver from the requirements of this Section. The Board shall
26 grant the waiver where the owners licensee demonstrates that

1 there has been made a good faith effort to comply with the
2 goals for participation by minority owned businesses, female
3 owned businesses, and businesses owned by persons with
4 disabilities.

5 (e) If the Board determines that its goals and policies are
6 not being met by any owners licensee, then the Board may:

7 (1) adopt remedies for such violations; and

8 (2) recommend that the owners licensee provide
9 additional opportunities for participation by minority
10 owned businesses, female owned businesses, and businesses
11 owned by persons with disabilities; such recommendations
12 may include, but shall not be limited to:

13 (A) assurances of stronger and better focused
14 solicitation efforts to obtain more minority owned
15 businesses, female owned businesses, and businesses
16 owned by persons with disabilities as potential
17 sources of supply;

18 (B) division of job or project requirements, when
19 economically feasible, into tasks or quantities to
20 permit participation of minority owned businesses,
21 female owned businesses, and businesses owned by
22 persons with disabilities;

23 (C) elimination of extended experience or
24 capitalization requirements, when programmatically
25 feasible, to permit participation of minority owned
26 businesses, female owned businesses, and businesses

1 owned by persons with disabilities;

2 (D) identification of specific proposed contracts
3 as particularly attractive or appropriate for
4 participation by minority owned businesses, female
5 owned businesses, and businesses owned by persons with
6 disabilities, such identification to result from and
7 be coupled with the efforts of items (A) through (C);
8 and

9 (E) implementation of regulations established for
10 the use of the sheltered market process.

11 (f) The Board shall file, no later than March 1 of each
12 year, an annual report that shall detail the level of
13 achievement toward the goals specified in this Section over the
14 3 most recent fiscal years. The annual report shall include,
15 but need not be limited to:

16 (1) a summary detailing expenditures subject to the
17 goals, the actual goals specified, and the goals attained
18 by each owners licensee; and

19 (2) an analysis of the level of overall goal
20 achievement concerning purchases from minority owned
21 businesses, female owned businesses, and businesses owned
22 by persons with disabilities.

23 (Source: P.A. 98-490, eff. 8-16-13; revised 11-26-14.)

24 Section 335. The Liquor Control Act of 1934 is amended by
25 changing Sections 3-12, 6-15, and 6-36 as follows:

1 (235 ILCS 5/3-12)

2 (Text of Section before amendment by P.A. 98-939)

3 Sec. 3-12. Powers and duties of State Commission.

4 (a) The State commission shall have the following powers,
5 functions, and duties:

6 (1) To receive applications and to issue licenses to
7 manufacturers, foreign importers, importing distributors,
8 distributors, non-resident dealers, on premise consumption
9 retailers, off premise sale retailers, special event
10 retailer licensees, special use permit licenses, auction
11 liquor licenses, brew pubs, caterer retailers,
12 non-beverage users, railroads, including owners and
13 lessees of sleeping, dining and cafe cars, airplanes,
14 boats, brokers, and wine maker's premises licensees in
15 accordance with the provisions of this Act, and to suspend
16 or revoke such licenses upon the State commission's
17 determination, upon notice after hearing, that a licensee
18 has violated any provision of this Act or any rule or
19 regulation issued pursuant thereto and in effect for 30
20 days prior to such violation. Except in the case of an
21 action taken pursuant to a violation of Section 6-3, 6-5,
22 or 6-9, any action by the State Commission to suspend or
23 revoke a licensee's license may be limited to the license
24 for the specific premises where the violation occurred.

25 In lieu of suspending or revoking a license, the

1 commission may impose a fine, upon the State commission's
2 determination and notice after hearing, that a licensee has
3 violated any provision of this Act or any rule or
4 regulation issued pursuant thereto and in effect for 30
5 days prior to such violation.

6 For the purpose of this paragraph (1), when determining
7 multiple violations for the sale of alcohol to a person
8 under the age of 21, a second or subsequent violation for
9 the sale of alcohol to a person under the age of 21 shall
10 only be considered if it was committed within 5 years after
11 the date when a prior violation for the sale of alcohol to
12 a person under the age of 21 was committed.

13 The fine imposed under this paragraph may not exceed
14 \$500 for each violation. Each day that the activity, which
15 gave rise to the original fine, continues is a separate
16 violation. The maximum fine that may be levied against any
17 licensee, for the period of the license, shall not exceed
18 \$20,000. The maximum penalty that may be imposed on a
19 licensee for selling a bottle of alcoholic liquor with a
20 foreign object in it or serving from a bottle of alcoholic
21 liquor with a foreign object in it shall be the destruction
22 of that bottle of alcoholic liquor for the first 10 bottles
23 so sold or served from by the licensee. For the eleventh
24 bottle of alcoholic liquor and for each third bottle
25 thereafter sold or served from by the licensee with a
26 foreign object in it, the maximum penalty that may be

1 imposed on the licensee is the destruction of the bottle of
2 alcoholic liquor and a fine of up to \$50.

3 (2) To adopt such rules and regulations consistent with
4 the provisions of this Act which shall be necessary to
5 carry on its functions and duties to the end that the
6 health, safety and welfare of the People of the State of
7 Illinois shall be protected and temperance in the
8 consumption of alcoholic liquors shall be fostered and
9 promoted and to distribute copies of such rules and
10 regulations to all licensees affected thereby.

11 (3) To call upon other administrative departments of
12 the State, county and municipal governments, county and
13 city police departments and upon prosecuting officers for
14 such information and assistance as it deems necessary in
15 the performance of its duties.

16 (4) To recommend to local commissioners rules and
17 regulations, not inconsistent with the law, for the
18 distribution and sale of alcoholic liquors throughout the
19 State.

20 (5) To inspect, or cause to be inspected, any premises
21 in this State where alcoholic liquors are manufactured,
22 distributed, warehoused, or sold. Nothing in this Act
23 authorizes an agent of the Commission to inspect private
24 areas within the premises without reasonable suspicion or a
25 warrant during an inspection. "Private areas" include, but
26 are not limited to, safes, personal property, and closed

1 desks.

2 (5.1) Upon receipt of a complaint or upon having
3 knowledge that any person is engaged in business as a
4 manufacturer, importing distributor, distributor, or
5 retailer without a license or valid license, to notify the
6 local liquor authority, file a complaint with the State's
7 Attorney's Office of the county where the incident
8 occurred, or initiate an investigation with the
9 appropriate law enforcement officials.

10 (5.2) To issue a cease and desist notice to persons
11 shipping alcoholic liquor into this State from a point
12 outside of this State if the shipment is in violation of
13 this Act.

14 (5.3) To receive complaints from licensees, local
15 officials, law enforcement agencies, organizations, and
16 persons stating that any licensee has been or is violating
17 any provision of this Act or the rules and regulations
18 issued pursuant to this Act. Such complaints shall be in
19 writing, signed and sworn to by the person making the
20 complaint, and shall state with specificity the facts in
21 relation to the alleged violation. If the Commission has
22 reasonable grounds to believe that the complaint
23 substantially alleges a violation of this Act or rules and
24 regulations adopted pursuant to this Act, it shall conduct
25 an investigation. If, after conducting an investigation,
26 the Commission is satisfied that the alleged violation did

1 occur, it shall proceed with disciplinary action against
2 the licensee as provided in this Act.

3 (6) To hear and determine appeals from orders of a
4 local commission in accordance with the provisions of this
5 Act, as hereinafter set forth. Hearings under this
6 subsection shall be held in Springfield or Chicago, at
7 whichever location is the more convenient for the majority
8 of persons who are parties to the hearing.

9 (7) The commission shall establish uniform systems of
10 accounts to be kept by all retail licensees having more
11 than 4 employees, and for this purpose the commission may
12 classify all retail licensees having more than 4 employees
13 and establish a uniform system of accounts for each class
14 and prescribe the manner in which such accounts shall be
15 kept. The commission may also prescribe the forms of
16 accounts to be kept by all retail licensees having more
17 than 4 employees, including but not limited to accounts of
18 earnings and expenses and any distribution, payment, or
19 other distribution of earnings or assets, and any other
20 forms, records and memoranda which in the judgment of the
21 commission may be necessary or appropriate to carry out any
22 of the provisions of this Act, including but not limited to
23 such forms, records and memoranda as will readily and
24 accurately disclose at all times the beneficial ownership
25 of such retail licensed business. The accounts, forms,
26 records and memoranda shall be available at all reasonable

1 times for inspection by authorized representatives of the
2 State commission or by any local liquor control
3 commissioner or his or her authorized representative. The
4 commission, may, from time to time, alter, amend or repeal,
5 in whole or in part, any uniform system of accounts, or the
6 form and manner of keeping accounts.

7 (8) In the conduct of any hearing authorized to be held
8 by the commission, to appoint, at the commission's
9 discretion, hearing officers to conduct hearings involving
10 complex issues or issues that will require a protracted
11 period of time to resolve, to examine, or cause to be
12 examined, under oath, any licensee, and to examine or cause
13 to be examined the books and records of such licensee; to
14 hear testimony and take proof material for its information
15 in the discharge of its duties hereunder; to administer or
16 cause to be administered oaths; for any such purpose to
17 issue subpoena or subpoenas to require the attendance of
18 witnesses and the production of books, which shall be
19 effective in any part of this State, and to adopt rules to
20 implement its powers under this paragraph (8).

21 Any Circuit Court may by order duly entered, require
22 the attendance of witnesses and the production of relevant
23 books subpoenaed by the State commission and the court may
24 compel obedience to its order by proceedings for contempt.

25 (9) To investigate the administration of laws in
26 relation to alcoholic liquors in this and other states and

1 any foreign countries, and to recommend from time to time
2 to the Governor and through him or her to the legislature
3 of this State, such amendments to this Act, if any, as it
4 may think desirable and as will serve to further the
5 general broad purposes contained in Section 1-2 hereof.

6 (10) To adopt such rules and regulations consistent
7 with the provisions of this Act which shall be necessary
8 for the control, sale or disposition of alcoholic liquor
9 damaged as a result of an accident, wreck, flood, fire or
10 other similar occurrence.

11 (11) To develop industry educational programs related
12 to responsible serving and selling, particularly in the
13 areas of overserving consumers and illegal underage
14 purchasing and consumption of alcoholic beverages.

15 (11.1) To license persons providing education and
16 training to alcohol beverage sellers and servers under the
17 Beverage Alcohol Sellers and Servers Education and
18 Training (BASSET) programs and to develop and administer a
19 public awareness program in Illinois to reduce or eliminate
20 the illegal purchase and consumption of alcoholic beverage
21 products by persons under the age of 21. Application for a
22 license shall be made on forms provided by the State
23 Commission.

24 (12) To develop and maintain a repository of license
25 and regulatory information.

26 (13) On or before January 15, 1994, the Commission

1 shall issue a written report to the Governor and General
2 Assembly that is to be based on a comprehensive study of
3 the impact on and implications for the State of Illinois of
4 Section 1926 of the Federal ADAMHA Reorganization Act of
5 1992 (Public Law 102-321). This study shall address the
6 extent to which Illinois currently complies with the
7 provisions of P.L. 102-321 and the rules promulgated
8 pursuant thereto.

9 As part of its report, the Commission shall provide the
10 following essential information:

11 (i) the number of retail distributors of tobacco
12 products, by type and geographic area, in the State;

13 (ii) the number of reported citations and
14 successful convictions, categorized by type and
15 location of retail distributor, for violation of the
16 Prevention of Tobacco Use by Minors and Sale and
17 Distribution of Tobacco Products Act and the Smokeless
18 Tobacco Limitation Act;

19 (iii) the extent and nature of organized
20 educational and governmental activities that are
21 intended to promote, encourage or otherwise secure
22 compliance with any Illinois laws that prohibit the
23 sale or distribution of tobacco products to minors; and

24 (iv) the level of access and availability of
25 tobacco products to individuals under the age of 18.

26 To obtain the data necessary to comply with the

1 provisions of P.L. 102-321 and the requirements of this
2 report, the Commission shall conduct random, unannounced
3 inspections of a geographically and scientifically
4 representative sample of the State's retail tobacco
5 distributors.

6 The Commission shall consult with the Department of
7 Public Health, the Department of Human Services, the
8 Illinois State Police and any other executive branch
9 agency, and private organizations that may have
10 information relevant to this report.

11 The Commission may contract with the Food and Drug
12 Administration of the U.S. Department of Health and Human
13 Services to conduct unannounced investigations of Illinois
14 tobacco vendors to determine compliance with federal laws
15 relating to the illegal sale of cigarettes and smokeless
16 tobacco products to persons under the age of 18.

17 (14) On or before April 30, 2008 and every 2 years
18 thereafter, the Commission shall present a written report
19 to the Governor and the General Assembly that shall be
20 based on a study of the impact of this amendatory Act of
21 the 95th General Assembly on the business of soliciting,
22 selling, and shipping wine from inside and outside of this
23 State directly to residents of this State. As part of its
24 report, the Commission shall provide all of the following
25 information:

26 (A) The amount of State excise and sales tax

1 revenues generated.

2 (B) The amount of licensing fees received.

3 (C) The number of cases of wine shipped from inside
4 and outside of this State directly to residents of this
5 State.

6 (D) The number of alcohol compliance operations
7 conducted.

8 (E) The number of winery shipper's licenses
9 issued.

10 (F) The number of each of the following: reported
11 violations; cease and desist notices issued by the
12 Commission; notices of violations issued by the
13 Commission and to the Department of Revenue; and
14 notices and complaints of violations to law
15 enforcement officials, including, without limitation,
16 the Illinois Attorney General and the U.S. Department
17 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

18 (15) As a means to reduce the underage consumption of
19 alcoholic liquors, the Commission shall conduct alcohol
20 compliance operations to investigate whether businesses
21 that are soliciting, selling, and shipping wine from inside
22 or outside of this State directly to residents of this
23 State are licensed by this State or are selling or
24 attempting to sell wine to persons under 21 years of age in
25 violation of this Act.

26 (16) The Commission shall, in addition to notifying any

1 appropriate law enforcement agency, submit notices of
2 complaints or violations of Sections 6-29 and 6-29.1 by
3 persons who do not hold a winery shipper's license under
4 this amendatory Act to the Illinois Attorney General and to
5 the U.S. Department of Treasury's Alcohol and Tobacco Tax
6 and Trade Bureau.

7 (17) (A) A person licensed to make wine under the laws
8 of another state who has a winery shipper's license under
9 this amendatory Act and annually produces less than 25,000
10 gallons of wine or a person who has a first-class or
11 second-class wine manufacturer's license, a first-class or
12 second-class wine-maker's license, or a limited wine
13 manufacturer's license under this Act and annually
14 produces less than 25,000 gallons of wine may make
15 application to the Commission for a self-distribution
16 exemption to allow the sale of not more than 5,000 gallons
17 of the exemption holder's wine to retail licensees per
18 year.

19 (B) In the application, which shall be sworn under
20 penalty of perjury, such person shall state (1) the
21 date it was established; (2) its volume of production
22 and sales for each year since its establishment; (3)
23 its efforts to establish distributor relationships;
24 (4) that a self-distribution exemption is necessary to
25 facilitate the marketing of its wine; and (5) that it
26 will comply with the liquor and revenue laws of the

1 United States, this State, and any other state where it
2 is licensed.

3 (C) The Commission shall approve the application
4 for a self-distribution exemption if such person: (1)
5 is in compliance with State revenue and liquor laws;
6 (2) is not a member of any affiliated group that
7 produces more than 25,000 gallons of wine per annum or
8 produces any other alcoholic liquor; (3) will not
9 annually produce for sale more than 25,000 gallons of
10 wine; and (4) will not annually sell more than 5,000
11 gallons of its wine to retail licensees.

12 (D) A self-distribution exemption holder shall
13 annually certify to the Commission its production of
14 wine in the previous 12 months and its anticipated
15 production and sales for the next 12 months. The
16 Commission may fine, suspend, or revoke a
17 self-distribution exemption after a hearing if it
18 finds that the exemption holder has made a material
19 misrepresentation in its application, violated a
20 revenue or liquor law of Illinois, exceeded production
21 of 25,000 gallons of wine in any calendar year, or
22 become part of an affiliated group producing more than
23 25,000 gallons of wine or any other alcoholic liquor.

24 (E) Except in hearings for violations of this Act
25 or amendatory Act or a bona fide investigation by duly
26 sworn law enforcement officials, the Commission, or

1 its agents, the Commission shall maintain the
2 production and sales information of a
3 self-distribution exemption holder as confidential and
4 shall not release such information to any person.

5 (F) The Commission shall issue regulations
6 governing self-distribution exemptions consistent with
7 this Section and this Act.

8 (G) Nothing in this subsection (17) shall prohibit
9 a self-distribution exemption holder from entering
10 into or simultaneously having a distribution agreement
11 with a licensed Illinois distributor.

12 (H) It is the intent of this subsection (17) to
13 promote and continue orderly markets. The General
14 Assembly finds that in order to preserve Illinois'
15 regulatory distribution system it is necessary to
16 create an exception for smaller makers of wine as their
17 wines are frequently adjusted in varietals, mixes,
18 vintages, and taste to find and create market niches
19 sometimes too small for distributor or importing
20 distributor business strategies. Limited
21 self-distribution rights will afford and allow smaller
22 makers of wine access to the marketplace in order to
23 develop a customer base without impairing the
24 integrity of the 3-tier system.

25 (18) (A) A craft brewer licensee, who must also be
26 either a licensed brewer or licensed non-resident dealer

1 and annually manufacture less than 930,000 gallons of beer,
2 may make application to the Commission for a
3 self-distribution exemption to allow the sale of not more
4 than 232,500 gallons of the exemption holder's beer to
5 retail licensees per year.

6 (B) In the application, which shall be sworn under
7 penalty of perjury, the craft brewer licensee shall
8 state (1) the date it was established; (2) its volume
9 of beer manufactured and sold for each year since its
10 establishment; (3) its efforts to establish
11 distributor relationships; (4) that a
12 self-distribution exemption is necessary to facilitate
13 the marketing of its beer; and (5) that it will comply
14 with the alcoholic beverage and revenue laws of the
15 United States, this State, and any other state where it
16 is licensed.

17 (C) Any application submitted shall be posted on
18 the Commission's website at least 45 days prior to
19 action by the Commission. The Commission shall approve
20 the application for a self-distribution exemption if
21 the craft brewer licensee: (1) is in compliance with
22 the State, revenue, and alcoholic beverage laws; (2) is
23 not a member of any affiliated group that manufacturers
24 more than 930,000 gallons of beer per annum or produces
25 any other alcoholic beverages; (3) shall not annually
26 manufacture for sale more than 930,000 gallons of beer;

1 and (4) shall not annually sell more than 232,500
2 gallons of its beer to retail licensees.

3 (D) A self-distribution exemption holder shall
4 annually certify to the Commission its manufacture of
5 beer during the previous 12 months and its anticipated
6 manufacture and sales of beer for the next 12 months.
7 The Commission may fine, suspend, or revoke a
8 self-distribution exemption after a hearing if it
9 finds that the exemption holder has made a material
10 misrepresentation in its application, violated a
11 revenue or alcoholic beverage law of Illinois,
12 exceeded the manufacture of 930,000 gallons of beer in
13 any calendar year or became part of an affiliated group
14 manufacturing more than 930,000 gallons of beer or any
15 other alcoholic beverage.

16 (E) The Commission shall issue rules and
17 regulations governing self-distribution exemptions
18 consistent with this Act.

19 (F) Nothing in this paragraph (18) shall prohibit a
20 self-distribution exemption holder from entering into
21 or simultaneously having a distribution agreement with
22 a licensed Illinois importing distributor or a
23 distributor. If a self-distribution exemption holder
24 enters into a distribution agreement and has assigned
25 distribution rights to an importing distributor or
26 distributor, then the self-distribution exemption

1 holder's distribution rights in the assigned
2 territories shall cease in a reasonable time not to
3 exceed 60 days.

4 (G) It is the intent of this paragraph (18) to
5 promote and continue orderly markets. The General
6 Assembly finds that in order to preserve Illinois'
7 regulatory distribution system, it is necessary to
8 create an exception for smaller manufacturers in order
9 to afford and allow such smaller manufacturers of beer
10 access to the marketplace in order to develop a
11 customer base without impairing the integrity of the
12 3-tier system.

13 (b) On or before April 30, 1999, the Commission shall
14 present a written report to the Governor and the General
15 Assembly that shall be based on a study of the impact of this
16 amendatory Act of 1998 on the business of soliciting, selling,
17 and shipping alcoholic liquor from outside of this State
18 directly to residents of this State.

19 As part of its report, the Commission shall provide the
20 following information:

21 (i) the amount of State excise and sales tax revenues
22 generated as a result of this amendatory Act of 1998;

23 (ii) the amount of licensing fees received as a result
24 of this amendatory Act of 1998;

25 (iii) the number of reported violations, the number of
26 cease and desist notices issued by the Commission, the

1 number of notices of violations issued to the Department of
2 Revenue, and the number of notices and complaints of
3 violations to law enforcement officials.

4 (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13; 98-941,
5 eff. 1-1-15.)

6 (Text of Section after amendment by P.A. 98-939)

7 Sec. 3-12. Powers and duties of State Commission.

8 (a) The State commission shall have the following powers,
9 functions, and duties:

10 (1) To receive applications and to issue licenses to
11 manufacturers, foreign importers, importing distributors,
12 distributors, non-resident dealers, on premise consumption
13 retailers, off premise sale retailers, special event
14 retailer licensees, special use permit licenses, auction
15 liquor licenses, brew pubs, caterer retailers,
16 non-beverage users, railroads, including owners and
17 lessees of sleeping, dining and cafe cars, airplanes,
18 boats, brokers, and wine maker's premises licensees in
19 accordance with the provisions of this Act, and to suspend
20 or revoke such licenses upon the State commission's
21 determination, upon notice after hearing, that a licensee
22 has violated any provision of this Act or any rule or
23 regulation issued pursuant thereto and in effect for 30
24 days prior to such violation. Except in the case of an
25 action taken pursuant to a violation of Section 6-3, 6-5,

1 or 6-9, any action by the State Commission to suspend or
2 revoke a licensee's license may be limited to the license
3 for the specific premises where the violation occurred.

4 In lieu of suspending or revoking a license, the
5 commission may impose a fine, upon the State commission's
6 determination and notice after hearing, that a licensee has
7 violated any provision of this Act or any rule or
8 regulation issued pursuant thereto and in effect for 30
9 days prior to such violation.

10 For the purpose of this paragraph (1), when determining
11 multiple violations for the sale of alcohol to a person
12 under the age of 21, a second or subsequent violation for
13 the sale of alcohol to a person under the age of 21 shall
14 only be considered if it was committed within 5 years after
15 the date when a prior violation for the sale of alcohol to
16 a person under the age of 21 was committed.

17 The fine imposed under this paragraph may not exceed
18 \$500 for each violation. Each day that the activity, which
19 gave rise to the original fine, continues is a separate
20 violation. The maximum fine that may be levied against any
21 licensee, for the period of the license, shall not exceed
22 \$20,000. The maximum penalty that may be imposed on a
23 licensee for selling a bottle of alcoholic liquor with a
24 foreign object in it or serving from a bottle of alcoholic
25 liquor with a foreign object in it shall be the destruction
26 of that bottle of alcoholic liquor for the first 10 bottles

1 so sold or served from by the licensee. For the eleventh
2 bottle of alcoholic liquor and for each third bottle
3 thereafter sold or served from by the licensee with a
4 foreign object in it, the maximum penalty that may be
5 imposed on the licensee is the destruction of the bottle of
6 alcoholic liquor and a fine of up to \$50.

7 (2) To adopt such rules and regulations consistent with
8 the provisions of this Act which shall be necessary to
9 carry on its functions and duties to the end that the
10 health, safety and welfare of the People of the State of
11 Illinois shall be protected and temperance in the
12 consumption of alcoholic liquors shall be fostered and
13 promoted and to distribute copies of such rules and
14 regulations to all licensees affected thereby.

15 (3) To call upon other administrative departments of
16 the State, county and municipal governments, county and
17 city police departments and upon prosecuting officers for
18 such information and assistance as it deems necessary in
19 the performance of its duties.

20 (4) To recommend to local commissioners rules and
21 regulations, not inconsistent with the law, for the
22 distribution and sale of alcoholic liquors throughout the
23 State.

24 (5) To inspect, or cause to be inspected, any premises
25 in this State where alcoholic liquors are manufactured,
26 distributed, warehoused, or sold. Nothing in this Act

1 authorizes an agent of the Commission to inspect private
2 areas within the premises without reasonable suspicion or a
3 warrant during an inspection. "Private areas" include, but
4 are not limited to, safes, personal property, and closed
5 desks.

6 (5.1) Upon receipt of a complaint or upon having
7 knowledge that any person is engaged in business as a
8 manufacturer, importing distributor, distributor, or
9 retailer without a license or valid license, to notify the
10 local liquor authority, file a complaint with the State's
11 Attorney's Office of the county where the incident
12 occurred, or initiate an investigation with the
13 appropriate law enforcement officials.

14 (5.2) To issue a cease and desist notice to persons
15 shipping alcoholic liquor into this State from a point
16 outside of this State if the shipment is in violation of
17 this Act.

18 (5.3) To receive complaints from licensees, local
19 officials, law enforcement agencies, organizations, and
20 persons stating that any licensee has been or is violating
21 any provision of this Act or the rules and regulations
22 issued pursuant to this Act. Such complaints shall be in
23 writing, signed and sworn to by the person making the
24 complaint, and shall state with specificity the facts in
25 relation to the alleged violation. If the Commission has
26 reasonable grounds to believe that the complaint

1 substantially alleges a violation of this Act or rules and
2 regulations adopted pursuant to this Act, it shall conduct
3 an investigation. If, after conducting an investigation,
4 the Commission is satisfied that the alleged violation did
5 occur, it shall proceed with disciplinary action against
6 the licensee as provided in this Act.

7 (6) To hear and determine appeals from orders of a
8 local commission in accordance with the provisions of this
9 Act, as hereinafter set forth. Hearings under this
10 subsection shall be held in Springfield or Chicago, at
11 whichever location is the more convenient for the majority
12 of persons who are parties to the hearing.

13 (7) The commission shall establish uniform systems of
14 accounts to be kept by all retail licensees having more
15 than 4 employees, and for this purpose the commission may
16 classify all retail licensees having more than 4 employees
17 and establish a uniform system of accounts for each class
18 and prescribe the manner in which such accounts shall be
19 kept. The commission may also prescribe the forms of
20 accounts to be kept by all retail licensees having more
21 than 4 employees, including but not limited to accounts of
22 earnings and expenses and any distribution, payment, or
23 other distribution of earnings or assets, and any other
24 forms, records and memoranda which in the judgment of the
25 commission may be necessary or appropriate to carry out any
26 of the provisions of this Act, including but not limited to

1 such forms, records and memoranda as will readily and
2 accurately disclose at all times the beneficial ownership
3 of such retail licensed business. The accounts, forms,
4 records and memoranda shall be available at all reasonable
5 times for inspection by authorized representatives of the
6 State commission or by any local liquor control
7 commissioner or his or her authorized representative. The
8 commission, may, from time to time, alter, amend or repeal,
9 in whole or in part, any uniform system of accounts, or the
10 form and manner of keeping accounts.

11 (8) In the conduct of any hearing authorized to be held
12 by the commission, to appoint, at the commission's
13 discretion, hearing officers to conduct hearings involving
14 complex issues or issues that will require a protracted
15 period of time to resolve, to examine, or cause to be
16 examined, under oath, any licensee, and to examine or cause
17 to be examined the books and records of such licensee; to
18 hear testimony and take proof material for its information
19 in the discharge of its duties hereunder; to administer or
20 cause to be administered oaths; for any such purpose to
21 issue subpoena or subpoenas to require the attendance of
22 witnesses and the production of books, which shall be
23 effective in any part of this State, and to adopt rules to
24 implement its powers under this paragraph (8).

25 Any Circuit Court may by order duly entered, require
26 the attendance of witnesses and the production of relevant

1 books subpoenaed by the State commission and the court may
2 compel obedience to its order by proceedings for contempt.

3 (9) To investigate the administration of laws in
4 relation to alcoholic liquors in this and other states and
5 any foreign countries, and to recommend from time to time
6 to the Governor and through him or her to the legislature
7 of this State, such amendments to this Act, if any, as it
8 may think desirable and as will serve to further the
9 general broad purposes contained in Section 1-2 hereof.

10 (10) To adopt such rules and regulations consistent
11 with the provisions of this Act which shall be necessary
12 for the control, sale or disposition of alcoholic liquor
13 damaged as a result of an accident, wreck, flood, fire or
14 other similar occurrence.

15 (11) To develop industry educational programs related
16 to responsible serving and selling, particularly in the
17 areas of overserving consumers and illegal underage
18 purchasing and consumption of alcoholic beverages.

19 (11.1) To license persons providing education and
20 training to alcohol beverage sellers and servers for
21 mandatory and non-mandatory training under the Beverage
22 Alcohol Sellers and Servers Education and Training
23 (BASSET) programs and to develop and administer a public
24 awareness program in Illinois to reduce or eliminate the
25 illegal purchase and consumption of alcoholic beverage
26 products by persons under the age of 21. Application for a

1 license shall be made on forms provided by the State
2 Commission.

3 (12) To develop and maintain a repository of license
4 and regulatory information.

5 (13) On or before January 15, 1994, the Commission
6 shall issue a written report to the Governor and General
7 Assembly that is to be based on a comprehensive study of
8 the impact on and implications for the State of Illinois of
9 Section 1926 of the Federal ADAMHA Reorganization Act of
10 1992 (Public Law 102-321). This study shall address the
11 extent to which Illinois currently complies with the
12 provisions of P.L. 102-321 and the rules promulgated
13 pursuant thereto.

14 As part of its report, the Commission shall provide the
15 following essential information:

16 (i) the number of retail distributors of tobacco
17 products, by type and geographic area, in the State;

18 (ii) the number of reported citations and
19 successful convictions, categorized by type and
20 location of retail distributor, for violation of the
21 Prevention of Tobacco Use by Minors and Sale and
22 Distribution of Tobacco Products Act and the Smokeless
23 Tobacco Limitation Act;

24 (iii) the extent and nature of organized
25 educational and governmental activities that are
26 intended to promote, encourage or otherwise secure

1 compliance with any Illinois laws that prohibit the
2 sale or distribution of tobacco products to minors; and
3 (iv) the level of access and availability of
4 tobacco products to individuals under the age of 18.

5 To obtain the data necessary to comply with the
6 provisions of P.L. 102-321 and the requirements of this
7 report, the Commission shall conduct random, unannounced
8 inspections of a geographically and scientifically
9 representative sample of the State's retail tobacco
10 distributors.

11 The Commission shall consult with the Department of
12 Public Health, the Department of Human Services, the
13 Illinois State Police and any other executive branch
14 agency, and private organizations that may have
15 information relevant to this report.

16 The Commission may contract with the Food and Drug
17 Administration of the U.S. Department of Health and Human
18 Services to conduct unannounced investigations of Illinois
19 tobacco vendors to determine compliance with federal laws
20 relating to the illegal sale of cigarettes and smokeless
21 tobacco products to persons under the age of 18.

22 (14) On or before April 30, 2008 and every 2 years
23 thereafter, the Commission shall present a written report
24 to the Governor and the General Assembly that shall be
25 based on a study of the impact of this amendatory Act of
26 the 95th General Assembly on the business of soliciting,

1 selling, and shipping wine from inside and outside of this
2 State directly to residents of this State. As part of its
3 report, the Commission shall provide all of the following
4 information:

5 (A) The amount of State excise and sales tax
6 revenues generated.

7 (B) The amount of licensing fees received.

8 (C) The number of cases of wine shipped from inside
9 and outside of this State directly to residents of this
10 State.

11 (D) The number of alcohol compliance operations
12 conducted.

13 (E) The number of winery shipper's licenses
14 issued.

15 (F) The number of each of the following: reported
16 violations; cease and desist notices issued by the
17 Commission; notices of violations issued by the
18 Commission and to the Department of Revenue; and
19 notices and complaints of violations to law
20 enforcement officials, including, without limitation,
21 the Illinois Attorney General and the U.S. Department
22 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

23 (15) As a means to reduce the underage consumption of
24 alcoholic liquors, the Commission shall conduct alcohol
25 compliance operations to investigate whether businesses
26 that are soliciting, selling, and shipping wine from inside

1 or outside of this State directly to residents of this
2 State are licensed by this State or are selling or
3 attempting to sell wine to persons under 21 years of age in
4 violation of this Act.

5 (16) The Commission shall, in addition to notifying any
6 appropriate law enforcement agency, submit notices of
7 complaints or violations of Sections 6-29 and 6-29.1 by
8 persons who do not hold a winery shipper's license under
9 this amendatory Act to the Illinois Attorney General and to
10 the U.S. Department of Treasury's Alcohol and Tobacco Tax
11 and Trade Bureau.

12 (17) (A) A person licensed to make wine under the laws
13 of another state who has a winery shipper's license under
14 this amendatory Act and annually produces less than 25,000
15 gallons of wine or a person who has a first-class or
16 second-class wine manufacturer's license, a first-class or
17 second-class wine-maker's license, or a limited wine
18 manufacturer's license under this Act and annually
19 produces less than 25,000 gallons of wine may make
20 application to the Commission for a self-distribution
21 exemption to allow the sale of not more than 5,000 gallons
22 of the exemption holder's wine to retail licensees per
23 year.

24 (B) In the application, which shall be sworn under
25 penalty of perjury, such person shall state (1) the
26 date it was established; (2) its volume of production

1 and sales for each year since its establishment; (3)
2 its efforts to establish distributor relationships;
3 (4) that a self-distribution exemption is necessary to
4 facilitate the marketing of its wine; and (5) that it
5 will comply with the liquor and revenue laws of the
6 United States, this State, and any other state where it
7 is licensed.

8 (C) The Commission shall approve the application
9 for a self-distribution exemption if such person: (1)
10 is in compliance with State revenue and liquor laws;
11 (2) is not a member of any affiliated group that
12 produces more than 25,000 gallons of wine per annum or
13 produces any other alcoholic liquor; (3) will not
14 annually produce for sale more than 25,000 gallons of
15 wine; and (4) will not annually sell more than 5,000
16 gallons of its wine to retail licensees.

17 (D) A self-distribution exemption holder shall
18 annually certify to the Commission its production of
19 wine in the previous 12 months and its anticipated
20 production and sales for the next 12 months. The
21 Commission may fine, suspend, or revoke a
22 self-distribution exemption after a hearing if it
23 finds that the exemption holder has made a material
24 misrepresentation in its application, violated a
25 revenue or liquor law of Illinois, exceeded production
26 of 25,000 gallons of wine in any calendar year, or

1 become part of an affiliated group producing more than
2 25,000 gallons of wine or any other alcoholic liquor.

3 (E) Except in hearings for violations of this Act
4 or amendatory Act or a bona fide investigation by duly
5 sworn law enforcement officials, the Commission, or
6 its agents, the Commission shall maintain the
7 production and sales information of a
8 self-distribution exemption holder as confidential and
9 shall not release such information to any person.

10 (F) The Commission shall issue regulations
11 governing self-distribution exemptions consistent with
12 this Section and this Act.

13 (G) Nothing in this subsection (17) shall prohibit
14 a self-distribution exemption holder from entering
15 into or simultaneously having a distribution agreement
16 with a licensed Illinois distributor.

17 (H) It is the intent of this subsection (17) to
18 promote and continue orderly markets. The General
19 Assembly finds that in order to preserve Illinois'
20 regulatory distribution system it is necessary to
21 create an exception for smaller makers of wine as their
22 wines are frequently adjusted in varietals, mixes,
23 vintages, and taste to find and create market niches
24 sometimes too small for distributor or importing
25 distributor business strategies. Limited
26 self-distribution rights will afford and allow smaller

1 makers of wine access to the marketplace in order to
2 develop a customer base without impairing the
3 integrity of the 3-tier system.

4 (18) (A) A craft brewer licensee, who must also be
5 either a licensed brewer or licensed non-resident dealer
6 and annually manufacture less than 930,000 gallons of beer,
7 may make application to the Commission for a
8 self-distribution exemption to allow the sale of not more
9 than 232,500 gallons of the exemption holder's beer to
10 retail licensees per year.

11 (B) In the application, which shall be sworn under
12 penalty of perjury, the craft brewer licensee shall
13 state (1) the date it was established; (2) its volume
14 of beer manufactured and sold for each year since its
15 establishment; (3) its efforts to establish
16 distributor relationships; (4) that a
17 self-distribution exemption is necessary to facilitate
18 the marketing of its beer; and (5) that it will comply
19 with the alcoholic beverage and revenue laws of the
20 United States, this State, and any other state where it
21 is licensed.

22 (C) Any application submitted shall be posted on
23 the Commission's website at least 45 days prior to
24 action by the Commission. The Commission shall approve
25 the application for a self-distribution exemption if
26 the craft brewer licensee: (1) is in compliance with

1 the State, revenue, and alcoholic beverage laws; (2) is
2 not a member of any affiliated group that manufacturers
3 more than 930,000 gallons of beer per annum or produces
4 any other alcoholic beverages; (3) shall not annually
5 manufacture for sale more than 930,000 gallons of beer;
6 and (4) shall not annually sell more than 232,500
7 gallons of its beer to retail licensees.

8 (D) A self-distribution exemption holder shall
9 annually certify to the Commission its manufacture of
10 beer during the previous 12 months and its anticipated
11 manufacture and sales of beer for the next 12 months.
12 The Commission may fine, suspend, or revoke a
13 self-distribution exemption after a hearing if it
14 finds that the exemption holder has made a material
15 misrepresentation in its application, violated a
16 revenue or alcoholic beverage law of Illinois,
17 exceeded the manufacture of 930,000 gallons of beer in
18 any calendar year or became part of an affiliated group
19 manufacturing more than 930,000 gallons of beer or any
20 other alcoholic beverage.

21 (E) The Commission shall issue rules and
22 regulations governing self-distribution exemptions
23 consistent with this Act.

24 (F) Nothing in this paragraph (18) shall prohibit a
25 self-distribution exemption holder from entering into
26 or simultaneously having a distribution agreement with

1 a licensed Illinois importing distributor or a
2 distributor. If a self-distribution exemption holder
3 enters into a distribution agreement and has assigned
4 distribution rights to an importing distributor or
5 distributor, then the self-distribution exemption
6 holder's distribution rights in the assigned
7 territories shall cease in a reasonable time not to
8 exceed 60 days.

9 (G) It is the intent of this paragraph (18) to
10 promote and continue orderly markets. The General
11 Assembly finds that in order to preserve Illinois'
12 regulatory distribution system, it is necessary to
13 create an exception for smaller manufacturers in order
14 to afford and allow such smaller manufacturers of beer
15 access to the marketplace in order to develop a
16 customer base without impairing the integrity of the
17 3-tier system.

18 (b) On or before April 30, 1999, the Commission shall
19 present a written report to the Governor and the General
20 Assembly that shall be based on a study of the impact of this
21 amendatory Act of 1998 on the business of soliciting, selling,
22 and shipping alcoholic liquor from outside of this State
23 directly to residents of this State.

24 As part of its report, the Commission shall provide the
25 following information:

26 (i) the amount of State excise and sales tax revenues

1 generated as a result of this amendatory Act of 1998;

2 (ii) the amount of licensing fees received as a result
3 of this amendatory Act of 1998;

4 (iii) the number of reported violations, the number of
5 cease and desist notices issued by the Commission, the
6 number of notices of violations issued to the Department of
7 Revenue, and the number of notices and complaints of
8 violations to law enforcement officials.

9 (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13; 98-939,
10 eff. 7-1-15; 98-941, eff. 1-1-15; revised 10-6-14.)

11 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

12 Sec. 6-15. No alcoholic liquors shall be sold or delivered
13 in any building belonging to or under the control of the State
14 or any political subdivision thereof except as provided in this
15 Act. The corporate authorities of any city, village,
16 incorporated town, township, or county may provide by
17 ordinance, however, that alcoholic liquor may be sold or
18 delivered in any specifically designated building belonging to
19 or under the control of the municipality, township, or county,
20 or in any building located on land under the control of the
21 municipality, township, or county; provided that such township
22 or county complies with all applicable local ordinances in any
23 incorporated area of the township or county. Alcoholic liquor
24 may be delivered to and sold under the authority of a special
25 use permit on any property owned by a conservation district

1 organized under the Conservation District Act, provided that
2 (i) the alcoholic liquor is sold only at an event authorized by
3 the governing board of the conservation district, (ii) the
4 issuance of the special use permit is authorized by the local
5 liquor control commissioner of the territory in which the
6 property is located, and (iii) the special use permit
7 authorizes the sale of alcoholic liquor for one day or less.
8 Alcoholic liquors may be delivered to and sold at any airport
9 belonging to or under the control of a municipality of more
10 than 25,000 inhabitants, or in any building or on any golf
11 course owned by a park district organized under the Park
12 District Code, subject to the approval of the governing board
13 of the district, or in any building or on any golf course owned
14 by a forest preserve district organized under the Downstate
15 Forest Preserve District Act, subject to the approval of the
16 governing board of the district, or on the grounds within 500
17 feet of any building owned by a forest preserve district
18 organized under the Downstate Forest Preserve District Act
19 during times when food is dispensed for consumption within 500
20 feet of the building from which the food is dispensed, subject
21 to the approval of the governing board of the district, or in a
22 building owned by a Local Mass Transit District organized under
23 the Local Mass Transit District Act, subject to the approval of
24 the governing Board of the District, or in Bicentennial Park,
25 or on the premises of the City of Mendota Lake Park located
26 adjacent to Route 51 in Mendota, Illinois, or on the premises

1 of Camden Park in Milan, Illinois, or in the community center
2 owned by the City of Loves Park that is located at 1000 River
3 Park Drive in Loves Park, Illinois, or, in connection with the
4 operation of an established food serving facility during times
5 when food is dispensed for consumption on the premises, and at
6 the following aquarium and museums located in public parks: Art
7 Institute of Chicago, Chicago Academy of Sciences, Chicago
8 Historical Society, Field Museum of Natural History, Museum of
9 Science and Industry, DuSable Museum of African American
10 History, John G. Shedd Aquarium and Adler Planetarium, or at
11 Lakeview Museum of Arts and Sciences in Peoria, or in
12 connection with the operation of the facilities of the Chicago
13 Zoological Society or the Chicago Horticultural Society on land
14 owned by the Forest Preserve District of Cook County, or on any
15 land used for a golf course or for recreational purposes owned
16 by the Forest Preserve District of Cook County, subject to the
17 control of the Forest Preserve District Board of Commissioners
18 and applicable local law, provided that dram shop liability
19 insurance is provided at maximum coverage limits so as to hold
20 the District harmless from all financial loss, damage, and
21 harm, or in any building located on land owned by the Chicago
22 Park District if approved by the Park District Commissioners,
23 or on any land used for a golf course or for recreational
24 purposes and owned by the Illinois International Port District
25 if approved by the District's governing board, or at any
26 airport, golf course, faculty center, or facility in which

1 conference and convention type activities take place belonging
2 to or under control of any State university or public community
3 college district, provided that with respect to a facility for
4 conference and convention type activities alcoholic liquors
5 shall be limited to the use of the convention or conference
6 participants or participants in cultural, political or
7 educational activities held in such facilities, and provided
8 further that the faculty or staff of the State university or a
9 public community college district, or members of an
10 organization of students, alumni, faculty or staff of the State
11 university or a public community college district are active
12 participants in the conference or convention, or in Memorial
13 Stadium on the campus of the University of Illinois at
14 Urbana-Champaign during games in which the Chicago Bears
15 professional football team is playing in that stadium during
16 the renovation of Soldier Field, not more than one and a half
17 hours before the start of the game and not after the end of the
18 third quarter of the game, or in the Pavilion Facility on the
19 campus of the University of Illinois at Chicago during games in
20 which the Chicago Storm professional soccer team is playing in
21 that facility, not more than one and a half hours before the
22 start of the game and not after the end of the third quarter of
23 the game, or in the Pavilion Facility on the campus of the
24 University of Illinois at Chicago during games in which the
25 WNBA professional women's basketball team is playing in that
26 facility, not more than one and a half hours before the start

1 of the game and not after the 10-minute mark of the second half
2 of the game, or by a catering establishment which has rented
3 facilities from a board of trustees of a public community
4 college district, or in a restaurant that is operated by a
5 commercial tenant in the North Campus Parking Deck building
6 that (1) is located at 1201 West University Avenue, Urbana,
7 Illinois and (2) is owned by the Board of Trustees of the
8 University of Illinois, or, if approved by the District board,
9 on land owned by the Metropolitan Sanitary District of Greater
10 Chicago and leased to others for a term of at least 20 years.
11 Nothing in this Section precludes the sale or delivery of
12 alcoholic liquor in the form of original packaged goods in
13 premises located at 500 S. Racine in Chicago belonging to the
14 University of Illinois and used primarily as a grocery store by
15 a commercial tenant during the term of a lease that predates
16 the University's acquisition of the premises; but the
17 University shall have no power or authority to renew, transfer,
18 or extend the lease with terms allowing the sale of alcoholic
19 liquor; and the sale of alcoholic liquor shall be subject to
20 all local laws and regulations. After the acquisition by
21 Winnebago County of the property located at 404 Elm Street in
22 Rockford, a commercial tenant who sold alcoholic liquor at
23 retail on a portion of the property under a valid license at
24 the time of the acquisition may continue to do so for so long
25 as the tenant and the County may agree under existing or future
26 leases, subject to all local laws and regulations regarding the

1 sale of alcoholic liquor. Alcoholic liquors may be delivered to
2 and sold at Memorial Hall, located at 211 North Main Street,
3 Rockford, under conditions approved by Winnebago County and
4 subject to all local laws and regulations regarding the sale of
5 alcoholic liquor. Each facility shall provide dram shop
6 liability in maximum insurance coverage limits so as to save
7 harmless the State, municipality, State university, airport,
8 golf course, faculty center, facility in which conference and
9 convention type activities take place, park district, Forest
10 Preserve District, public community college district,
11 aquarium, museum, or sanitary district from all financial loss,
12 damage or harm. Alcoholic liquors may be sold at retail in
13 buildings of golf courses owned by municipalities or Illinois
14 State University in connection with the operation of an
15 established food serving facility during times when food is
16 dispensed for consumption upon the premises. Alcoholic liquors
17 may be delivered to and sold at retail in any building owned by
18 a fire protection district organized under the Fire Protection
19 District Act, provided that such delivery and sale is approved
20 by the board of trustees of the district, and provided further
21 that such delivery and sale is limited to fundraising events
22 and to a maximum of 6 events per year. However, the limitation
23 to fundraising events and to a maximum of 6 events per year
24 does not apply to the delivery, sale, or manufacture of
25 alcoholic liquors at the building located at 59 Main Street in
26 Oswego, Illinois, owned by the Oswego Fire Protection District

1 if the alcoholic liquor is sold or dispensed as approved by the
2 Oswego Fire Protection District and the property is no longer
3 being utilized for fire protection purposes.

4 Alcoholic liquors may be served or sold in buildings under
5 the control of the Board of Trustees of the University of
6 Illinois for events that the Board may determine are public
7 events and not related student activities. The Board of
8 Trustees shall issue a written policy within 6 months of the
9 effective date of this amendatory Act of the 95th General
10 Assembly concerning the types of events that would be eligible
11 for an exemption. Thereafter, the Board of Trustees may issue
12 revised, updated, new, or amended policies as it deems
13 necessary and appropriate. In preparing its written policy, the
14 Board of Trustees shall, among other factors it considers
15 relevant and important, give consideration to the following:
16 (i) whether the event is a student activity or student related
17 activity; (ii) whether the physical setting of the event is
18 conducive to control of liquor sales and distribution; (iii)
19 the ability of the event operator to ensure that the sale or
20 serving of alcoholic liquors and the demeanor of the
21 participants are in accordance with State law and University
22 policies; (iv) regarding the anticipated attendees at the
23 event, the relative proportion of individuals under the age of
24 21 to individuals age 21 or older; (v) the ability of the venue
25 operator to prevent the sale or distribution of alcoholic
26 liquors to individuals under the age of 21; (vi) whether the

1 event prohibits participants from removing alcoholic beverages
2 from the venue; and (vii) whether the event prohibits
3 participants from providing their own alcoholic liquors to the
4 venue. In addition, any policy submitted by the Board of
5 Trustees to the Illinois Liquor Control Commission must require
6 that any event at which alcoholic liquors are served or sold in
7 buildings under the control of the Board of Trustees shall
8 require the prior written approval of the Office of the
9 Chancellor for the University campus where the event is
10 located. The Board of Trustees shall submit its policy, and any
11 subsequently revised, updated, new, or amended policies, to the
12 Illinois Liquor Control Commission, and any University event,
13 or location for an event, exempted under such policies shall
14 apply for a license under the applicable Sections of this Act.

15 Alcoholic liquors may be served or sold in buildings under
16 the control of the Board of Trustees of Northern Illinois
17 University for events that the Board may determine are public
18 events and not student-related activities. The Board of
19 Trustees shall issue a written policy within 6 months after
20 June 28, 2011 (the effective date of Public Act 97-45)
21 concerning the types of events that would be eligible for an
22 exemption. Thereafter, the Board of Trustees may issue revised,
23 updated, new, or amended policies as it deems necessary and
24 appropriate. In preparing its written policy, the Board of
25 Trustees shall, in addition to other factors it considers
26 relevant and important, give consideration to the following:

1 (i) whether the event is a student activity or student-related
2 activity; (ii) whether the physical setting of the event is
3 conducive to control of liquor sales and distribution; (iii)
4 the ability of the event operator to ensure that the sale or
5 serving of alcoholic liquors and the demeanor of the
6 participants are in accordance with State law and University
7 policies; (iv) the anticipated attendees at the event and the
8 relative proportion of individuals under the age of 21 to
9 individuals age 21 or older; (v) the ability of the venue
10 operator to prevent the sale or distribution of alcoholic
11 liquors to individuals under the age of 21; (vi) whether the
12 event prohibits participants from removing alcoholic beverages
13 from the venue; and (vii) whether the event prohibits
14 participants from providing their own alcoholic liquors to the
15 venue.

16 Alcoholic liquors may be served or sold in buildings under
17 the control of the Board of Trustees of Chicago State
18 University for events that the Board may determine are public
19 events and not student-related activities. The Board of
20 Trustees shall issue a written policy within 6 months after
21 August 2, 2013 (the effective date of Public Act 98-132)
22 concerning the types of events that would be eligible for an
23 exemption. Thereafter, the Board of Trustees may issue revised,
24 updated, new, or amended policies as it deems necessary and
25 appropriate. In preparing its written policy, the Board of
26 Trustees shall, in addition to other factors it considers

1 relevant and important, give consideration to the following:

2 (i) whether the event is a student activity or student-related
3 activity; (ii) whether the physical setting of the event is
4 conducive to control of liquor sales and distribution; (iii)
5 the ability of the event operator to ensure that the sale or
6 serving of alcoholic liquors and the demeanor of the
7 participants are in accordance with State law and University
8 policies; (iv) the anticipated attendees at the event and the
9 relative proportion of individuals under the age of 21 to
10 individuals age 21 or older; (v) the ability of the venue
11 operator to prevent the sale or distribution of alcoholic
12 liquors to individuals under the age of 21; (vi) whether the
13 event prohibits participants from removing alcoholic beverages
14 from the venue; and (vii) whether the event prohibits
15 participants from providing their own alcoholic liquors to the
16 venue.

17 Alcoholic liquors may be served or sold in buildings under
18 the control of the Board of Trustees of Illinois State
19 University for events that the Board may determine are public
20 events and not student-related activities. The Board of
21 Trustees shall issue a written policy within 6 months after the
22 effective date of this amendatory Act of the 97th General
23 Assembly concerning the types of events that would be eligible
24 for an exemption. Thereafter, the Board of Trustees may issue
25 revised, updated, new, or amended policies as it deems
26 necessary and appropriate. In preparing its written policy, the

1 Board of Trustees shall, in addition to other factors it
2 considers relevant and important, give consideration to the
3 following: (i) whether the event is a student activity or
4 student-related activity; (ii) whether the physical setting of
5 the event is conducive to control of liquor sales and
6 distribution; (iii) the ability of the event operator to ensure
7 that the sale or serving of alcoholic liquors and the demeanor
8 of the participants are in accordance with State law and
9 University policies; (iv) the anticipated attendees at the
10 event and the relative proportion of individuals under the age
11 of 21 to individuals age 21 or older; (v) the ability of the
12 venue operator to prevent the sale or distribution of alcoholic
13 liquors to individuals under the age of 21; (vi) whether the
14 event prohibits participants from removing alcoholic beverages
15 from the venue; and (vii) whether the event prohibits
16 participants from providing their own alcoholic liquors to the
17 venue.

18 Alcoholic liquor may be delivered to and sold at retail in
19 the Dorchester Senior Business Center owned by the Village of
20 Dolton if the alcoholic liquor is sold or dispensed only in
21 connection with organized functions for which the planned
22 attendance is 20 or more persons, and if the person or facility
23 selling or dispensing the alcoholic liquor has provided dram
24 shop liability insurance in maximum limits so as to hold
25 harmless the Village of Dolton and the State from all financial
26 loss, damage and harm.

1 Alcoholic liquors may be delivered to and sold at retail in
2 any building used as an Illinois State Armory provided:

3 (i) the Adjutant General's written consent to the
4 issuance of a license to sell alcoholic liquor in such
5 building is filed with the Commission;

6 (ii) the alcoholic liquor is sold or dispensed only in
7 connection with organized functions held on special
8 occasions;

9 (iii) the organized function is one for which the
10 planned attendance is 25 or more persons; and

11 (iv) the facility selling or dispensing the alcoholic
12 liquors has provided dram shop liability insurance in
13 maximum limits so as to save harmless the facility and the
14 State from all financial loss, damage or harm.

15 Alcoholic liquors may be delivered to and sold at retail in
16 the Chicago Civic Center, provided that:

17 (i) the written consent of the Public Building
18 Commission which administers the Chicago Civic Center is
19 filed with the Commission;

20 (ii) the alcoholic liquor is sold or dispensed only in
21 connection with organized functions held on special
22 occasions;

23 (iii) the organized function is one for which the
24 planned attendance is 25 or more persons;

25 (iv) the facility selling or dispensing the alcoholic
26 liquors has provided dram shop liability insurance in

1 maximum limits so as to hold harmless the Civic Center, the
2 City of Chicago and the State from all financial loss,
3 damage or harm; and

4 (v) all applicable local ordinances are complied with.

5 Alcoholic liquors may be delivered or sold in any building
6 belonging to or under the control of any city, village or
7 incorporated town where more than 75% of the physical
8 properties of the building is used for commercial or
9 recreational purposes, and the building is located upon a pier
10 extending into or over the waters of a navigable lake or stream
11 or on the shore of a navigable lake or stream. In accordance
12 with a license issued under this Act, alcoholic liquor may be
13 sold, served, or delivered in buildings and facilities under
14 the control of the Department of Natural Resources during
15 events or activities lasting no more than 7 continuous days
16 upon the written approval of the Director of Natural Resources
17 acting as the controlling government authority. The Director of
18 Natural Resources may specify conditions on that approval,
19 including but not limited to requirements for insurance and
20 hours of operation. Notwithstanding any other provision of this
21 Act, alcoholic liquor sold by a United States Army Corps of
22 Engineers or Department of Natural Resources concessionaire
23 who was operating on June 1, 1991 for on-premises consumption
24 only is not subject to the provisions of Articles IV and IX.
25 Beer and wine may be sold on the premises of the Joliet Park
26 District Stadium owned by the Joliet Park District when written

1 consent to the issuance of a license to sell beer and wine in
2 such premises is filed with the local liquor commissioner by
3 the Joliet Park District. Beer and wine may be sold in
4 buildings on the grounds of State veterans' homes when written
5 consent to the issuance of a license to sell beer and wine in
6 such buildings is filed with the Commission by the Department
7 of Veterans' Affairs, and the facility shall provide dram shop
8 liability in maximum insurance coverage limits so as to save
9 the facility harmless from all financial loss, damage or harm.
10 Such liquors may be delivered to and sold at any property owned
11 or held under lease by a Metropolitan Pier and Exposition
12 Authority or Metropolitan Exposition and Auditorium Authority.

13 Beer and wine may be sold and dispensed at professional
14 sporting events and at professional concerts and other
15 entertainment events conducted on premises owned by the Forest
16 Preserve District of Kane County, subject to the control of the
17 District Commissioners and applicable local law, provided that
18 dram shop liability insurance is provided at maximum coverage
19 limits so as to hold the District harmless from all financial
20 loss, damage and harm.

21 Nothing in this Section shall preclude the sale or delivery
22 of beer and wine at a State or county fair or the sale or
23 delivery of beer or wine at a city fair in any otherwise lawful
24 manner.

25 Alcoholic liquors may be sold at retail in buildings in
26 State parks under the control of the Department of Natural

1 Resources, provided:

2 a. the State park has overnight lodging facilities with
3 some restaurant facilities or, not having overnight
4 lodging facilities, has restaurant facilities which serve
5 complete luncheon and dinner or supper meals,

6 b. (blank), and

7 c. the alcoholic liquors are sold by the State park
8 lodge or restaurant concessionaire only during the hours
9 from 11 o'clock a.m. until 12 o'clock midnight.
10 Notwithstanding any other provision of this Act, alcoholic
11 liquor sold by the State park or restaurant concessionaire
12 is not subject to the provisions of Articles IV and IX.

13 Alcoholic liquors may be sold at retail in buildings on
14 properties under the control of the Historic Sites and
15 Preservation Division of the Historic Preservation Agency or
16 the Abraham Lincoln Presidential Library and Museum provided:

17 a. the property has overnight lodging facilities with
18 some restaurant facilities or, not having overnight
19 lodging facilities, has restaurant facilities which serve
20 complete luncheon and dinner or supper meals,

21 b. consent to the issuance of a license to sell
22 alcoholic liquors in the buildings has been filed with the
23 commission by the Historic Sites and Preservation Division
24 of the Historic Preservation Agency or the Abraham Lincoln
25 Presidential Library and Museum, and

26 c. the alcoholic liquors are sold by the lodge or

1 restaurant concessionaire only during the hours from 11
2 o'clock a.m. until 12 o'clock midnight.

3 The sale of alcoholic liquors pursuant to this Section does
4 not authorize the establishment and operation of facilities
5 commonly called taverns, saloons, bars, cocktail lounges, and
6 the like except as a part of lodge and restaurant facilities in
7 State parks or golf courses owned by Forest Preserve Districts
8 with a population of less than 3,000,000 or municipalities or
9 park districts.

10 Alcoholic liquors may be sold at retail in the Springfield
11 Administration Building of the Department of Transportation
12 and the Illinois State Armory in Springfield; provided, that
13 the controlling government authority may consent to such sales
14 only if

- 15 a. the request is from a not-for-profit organization;
- 16 b. such sales would not impede normal operations of the
17 departments involved;
- 18 c. the not-for-profit organization provides dram shop
19 liability in maximum insurance coverage limits and agrees
20 to defend, save harmless and indemnify the State of
21 Illinois from all financial loss, damage or harm;
- 22 d. no such sale shall be made during normal working
23 hours of the State of Illinois; and
- 24 e. the consent is in writing.

25 Alcoholic liquors may be sold at retail in buildings in
26 recreational areas of river conservancy districts under the

1 control of, or leased from, the river conservancy districts.
2 Such sales are subject to reasonable local regulations as
3 provided in Article IV; however, no such regulations may
4 prohibit or substantially impair the sale of alcoholic liquors
5 on Sundays or Holidays.

6 Alcoholic liquors may be provided in long term care
7 facilities owned or operated by a county under Division 5-21 or
8 5-22 of the Counties Code, when approved by the facility
9 operator and not in conflict with the regulations of the
10 Illinois Department of Public Health, to residents of the
11 facility who have had their consumption of the alcoholic
12 liquors provided approved in writing by a physician licensed to
13 practice medicine in all its branches.

14 Alcoholic liquors may be delivered to and dispensed in
15 State housing assigned to employees of the Department of
16 Corrections. No person shall furnish or allow to be furnished
17 any alcoholic liquors to any prisoner confined in any jail,
18 reformatory, prison or house of correction except upon a
19 physician's prescription for medicinal purposes.

20 Alcoholic liquors may be sold at retail or dispensed at the
21 Willard Ice Building in Springfield, at the State Library in
22 Springfield, and at Illinois State Museum facilities by (1) an
23 agency of the State, whether legislative, judicial or
24 executive, provided that such agency first obtains written
25 permission to sell or dispense alcoholic liquors from the
26 controlling government authority, or by (2) a not-for-profit

1 organization, provided that such organization:

2 a. Obtains written consent from the controlling
3 government authority;

4 b. Sells or dispenses the alcoholic liquors in a manner
5 that does not impair normal operations of State offices
6 located in the building;

7 c. Sells or dispenses alcoholic liquors only in
8 connection with an official activity in the building;

9 d. Provides, or its catering service provides, dram
10 shop liability insurance in maximum coverage limits and in
11 which the carrier agrees to defend, save harmless and
12 indemnify the State of Illinois from all financial loss,
13 damage or harm arising out of the selling or dispensing of
14 alcoholic liquors.

15 Nothing in this Act shall prevent a not-for-profit
16 organization or agency of the State from employing the services
17 of a catering establishment for the selling or dispensing of
18 alcoholic liquors at authorized functions.

19 The controlling government authority for the Willard Ice
20 Building in Springfield shall be the Director of the Department
21 of Revenue. The controlling government authority for Illinois
22 State Museum facilities shall be the Director of the Illinois
23 State Museum. The controlling government authority for the
24 State Library in Springfield shall be the Secretary of State.

25 Alcoholic liquors may be delivered to and sold at retail or
26 dispensed at any facility, property or building under the

1 jurisdiction of the Historic Sites and Preservation Division of
2 the Historic Preservation Agency or the Abraham Lincoln
3 Presidential Library and Museum where the delivery, sale or
4 dispensing is by (1) an agency of the State, whether
5 legislative, judicial or executive, provided that such agency
6 first obtains written permission to sell or dispense alcoholic
7 liquors from a controlling government authority, or by (2) an
8 individual or organization provided that such individual or
9 organization:

10 a. Obtains written consent from the controlling
11 government authority;

12 b. Sells or dispenses the alcoholic liquors in a manner
13 that does not impair normal workings of State offices or
14 operations located at the facility, property or building;

15 c. Sells or dispenses alcoholic liquors only in
16 connection with an official activity of the individual or
17 organization in the facility, property or building;

18 d. Provides, or its catering service provides, dram
19 shop liability insurance in maximum coverage limits and in
20 which the carrier agrees to defend, save harmless and
21 indemnify the State of Illinois from all financial loss,
22 damage or harm arising out of the selling or dispensing of
23 alcoholic liquors.

24 The controlling government authority for the Historic
25 Sites and Preservation Division of the Historic Preservation
26 Agency shall be the Director of the Historic Sites and

1 Preservation, and the controlling government authority for the
2 Abraham Lincoln Presidential Library and Museum shall be the
3 Director of the Abraham Lincoln Presidential Library and
4 Museum.

5 Alcoholic liquors may be delivered to and sold at retail or
6 dispensed for consumption at the Michael Bilandic Building at
7 160 North LaSalle Street, Chicago IL 60601, after the normal
8 business hours of any day care or child care facility located
9 in the building, by (1) a commercial tenant or subtenant
10 conducting business on the premises under a lease made pursuant
11 to Section 405-315 of the Department of Central Management
12 Services Law (20 ILCS 405/405-315), provided that such tenant
13 or subtenant who accepts delivery of, sells, or dispenses
14 alcoholic liquors shall procure and maintain dram shop
15 liability insurance in maximum coverage limits and in which the
16 carrier agrees to defend, indemnify, and save harmless the
17 State of Illinois from all financial loss, damage, or harm
18 arising out of the delivery, sale, or dispensing of alcoholic
19 liquors, or by (2) an agency of the State, whether legislative,
20 judicial, or executive, provided that such agency first obtains
21 written permission to accept delivery of and sell or dispense
22 alcoholic liquors from the Director of Central Management
23 Services, or by (3) a not-for-profit organization, provided
24 that such organization:

25 a. obtains written consent from the Department of
26 Central Management Services;

1 b. accepts delivery of and sells or dispenses the
2 alcoholic liquors in a manner that does not impair normal
3 operations of State offices located in the building;

4 c. accepts delivery of and sells or dispenses alcoholic
5 liquors only in connection with an official activity in the
6 building; and

7 d. provides, or its catering service provides, dram
8 shop liability insurance in maximum coverage limits and in
9 which the carrier agrees to defend, save harmless, and
10 indemnify the State of Illinois from all financial loss,
11 damage, or harm arising out of the selling or dispensing of
12 alcoholic liquors.

13 Nothing in this Act shall prevent a not-for-profit
14 organization or agency of the State from employing the services
15 of a catering establishment for the selling or dispensing of
16 alcoholic liquors at functions authorized by the Director of
17 Central Management Services.

18 Alcoholic liquors may be sold at retail or dispensed at the
19 James R. Thompson Center in Chicago, subject to the provisions
20 of Section 7.4 of the State Property Control Act, and 222 South
21 College Street in Springfield, Illinois by (1) a commercial
22 tenant or subtenant conducting business on the premises under a
23 lease or sublease made pursuant to Section 405-315 of the
24 Department of Central Management Services Law (20 ILCS
25 405/405-315), provided that such tenant or subtenant who sells
26 or dispenses alcoholic liquors shall procure and maintain dram

1 shop liability insurance in maximum coverage limits and in
2 which the carrier agrees to defend, indemnify and save harmless
3 the State of Illinois from all financial loss, damage or harm
4 arising out of the sale or dispensing of alcoholic liquors, or
5 by (2) an agency of the State, whether legislative, judicial or
6 executive, provided that such agency first obtains written
7 permission to sell or dispense alcoholic liquors from the
8 Director of Central Management Services, or by (3) a
9 not-for-profit organization, provided that such organization:

10 a. Obtains written consent from the Department of
11 Central Management Services;

12 b. Sells or dispenses the alcoholic liquors in a manner
13 that does not impair normal operations of State offices
14 located in the building;

15 c. Sells or dispenses alcoholic liquors only in
16 connection with an official activity in the building;

17 d. Provides, or its catering service provides, dram
18 shop liability insurance in maximum coverage limits and in
19 which the carrier agrees to defend, save harmless and
20 indemnify the State of Illinois from all financial loss,
21 damage or harm arising out of the selling or dispensing of
22 alcoholic liquors.

23 Nothing in this Act shall prevent a not-for-profit
24 organization or agency of the State from employing the services
25 of a catering establishment for the selling or dispensing of
26 alcoholic liquors at functions authorized by the Director of

1 Central Management Services.

2 Alcoholic liquors may be sold or delivered at any facility
3 owned by the Illinois Sports Facilities Authority provided that
4 dram shop liability insurance has been made available in a
5 form, with such coverage and in such amounts as the Authority
6 reasonably determines is necessary.

7 Alcoholic liquors may be sold at retail or dispensed at the
8 Rockford State Office Building by (1) an agency of the State,
9 whether legislative, judicial or executive, provided that such
10 agency first obtains written permission to sell or dispense
11 alcoholic liquors from the Department of Central Management
12 Services, or by (2) a not-for-profit organization, provided
13 that such organization:

14 a. Obtains written consent from the Department of
15 Central Management Services;

16 b. Sells or dispenses the alcoholic liquors in a manner
17 that does not impair normal operations of State offices
18 located in the building;

19 c. Sells or dispenses alcoholic liquors only in
20 connection with an official activity in the building;

21 d. Provides, or its catering service provides, dram
22 shop liability insurance in maximum coverage limits and in
23 which the carrier agrees to defend, save harmless and
24 indemnify the State of Illinois from all financial loss,
25 damage or harm arising out of the selling or dispensing of
26 alcoholic liquors.

1 Nothing in this Act shall prevent a not-for-profit
2 organization or agency of the State from employing the services
3 of a catering establishment for the selling or dispensing of
4 alcoholic liquors at functions authorized by the Department of
5 Central Management Services.

6 Alcoholic liquors may be sold or delivered in a building
7 that is owned by McLean County, situated on land owned by the
8 county in the City of Bloomington, and used by the McLean
9 County Historical Society if the sale or delivery is approved
10 by an ordinance adopted by the county board, and the
11 municipality in which the building is located may not prohibit
12 that sale or delivery, notwithstanding any other provision of
13 this Section. The regulation of the sale and delivery of
14 alcoholic liquor in a building that is owned by McLean County,
15 situated on land owned by the county, and used by the McLean
16 County Historical Society as provided in this paragraph is an
17 exclusive power and function of the State and is a denial and
18 limitation under Article VII, Section 6, subsection (h) of the
19 Illinois Constitution of the power of a home rule municipality
20 to regulate that sale and delivery.

21 Alcoholic liquors may be sold or delivered in any building
22 situated on land held in trust for any school district
23 organized under Article 34 of the School Code, if the building
24 is not used for school purposes and if the sale or delivery is
25 approved by the board of education.

26 Alcoholic liquors may be delivered to and sold at retail in

1 any building owned by the Six Mile Regional Library District,
2 provided that the delivery and sale is approved by the board of
3 trustees of the Six Mile Regional Library District and the
4 delivery and sale is limited to a maximum of 6 library district
5 events per year. The Six Mile Regional Library District shall
6 provide dram shop liability in maximum insurance coverage
7 limits so as to save harmless the library district from all
8 financial loss, damage, or harm.

9 Alcoholic liquors may be sold or delivered in buildings
10 owned by the Community Building Complex Committee of Boone
11 County, Illinois if the person or facility selling or
12 dispensing the alcoholic liquor has provided dram shop
13 liability insurance with coverage and in amounts that the
14 Committee reasonably determines are necessary.

15 Alcoholic liquors may be sold or delivered in the building
16 located at 1200 Centerville Avenue in Belleville, Illinois and
17 occupied by either the Belleville Area Special Education
18 District or the Belleville Area Special Services Cooperative.

19 Alcoholic liquors may be delivered to and sold at the Louis
20 Joliet Renaissance Center, City Center Campus, located at 214
21 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts
22 Department facilities, Main Campus, located at 1215 Houbolt
23 Road, Joliet, owned by or under the control of Joliet Junior
24 College, Illinois Community College District No. 525.

25 Alcoholic liquors may be delivered to and sold at Triton
26 College, Illinois Community College District No. 504.

1 Alcoholic liquors may be delivered to and sold at the
2 College of DuPage, Illinois Community College District No. 502.

3 Alcoholic liquors may be delivered to and sold at the
4 building located at 446 East Hickory Avenue in Apple River,
5 Illinois, owned by the Apple River Fire Protection District,
6 and occupied by the Apple River Community Association if the
7 alcoholic liquor is sold or dispensed only in connection with
8 organized functions approved by the Apple River Community
9 Association for which the planned attendance is 20 or more
10 persons and if the person or facility selling or dispensing the
11 alcoholic liquor has provided dram shop liability insurance in
12 maximum limits so as to hold harmless the Apple River Fire
13 Protection District, the Village of Apple River, and the Apple
14 River Community Association from all financial loss, damage,
15 and harm.

16 Alcoholic liquors may be delivered to and sold at the Sikia
17 Restaurant, Kennedy King College Campus, located at 740 West
18 63rd Street, Chicago, and at the Food Services in the Great
19 Hall/Washburne Culinary Institute Department facility, Kennedy
20 King College Campus, located at 740 West 63rd Street, Chicago,
21 owned by or under the control of City Colleges of Chicago,
22 Illinois Community College District No. 508.

23 (Source: P.A. 97-33, eff. 6-28-11; 97-45, eff. 6-28-11; 97-51,
24 eff. 6-28-11; 97-167, eff. 7-22-11; 97-250, eff. 8-4-11;
25 97-395, eff. 8-16-11; 97-813, eff. 7-13-12; 97-1166, eff.
26 3-1-13; 98-132, eff. 8-2-13; 98-201, eff. 8-9-13; 98-692, eff.

1 7-1-14; 98-756, eff. 7-16-14; 98-1092, eff. 8-26-14; revised
2 10-3-14.)

3 (235 ILCS 5/6-36)

4 Sec. 6-36. Homemade brewed beverages.

5 (a) No license or permit is required under this Act for the
6 making of homemade brewed beverages or for the possession,
7 transportation, or storage of homemade brewed beverages by any
8 person 21 years of age or older, if all of the following apply:

9 (1) the person who makes the homemade brewed beverages
10 receives no compensation;

11 (2) the homemade brewed beverages are ~~is~~ not sold or
12 offered for sale; and

13 (3) the total quantity of homemade brewed beverages
14 made, in a calendar year, by the person does not exceed 100
15 gallons if the household has only one person 21 years of
16 age or older or 200 gallons if the household has 2 or more
17 persons 21 years of age or older.

18 (b) A person who makes, possesses, transports, or stores
19 homemade brewed beverages in compliance with the limitations
20 specified in subsection (a) is not a brewer, craft brewer,
21 wholesaler, retailer, or a manufacturer of beer for the
22 purposes of this Act.

23 (c) Homemade brewed beverages made in compliance with the
24 limitations specified in subsection (a) may be consumed by the
25 person who made it and his or her family, neighbors, and

1 friends at any private residence or other private location
2 where the possession and consumption of alcohol are ~~is~~
3 permissible under this Act, local ordinances, and other
4 applicable law, provided that the homemade brewed beverages are
5 not made available for consumption by the general public.

6 (d) Homemade brewed beverages made in compliance with the
7 limitations specified in subsection (a) may be used for
8 purposes of a public exhibition, demonstration, tasting, or
9 sampling with sampling sizes as authorized by Section 6-31, if
10 the event is held at a private residence or at a location other
11 than a retail licensed premises. If the public event is not
12 held at a private residence, the event organizer shall obtain a
13 homebrewer special event permit for each location, and is
14 subject to the provisions in subsection (a) of Section 6-21.
15 Homemade brewed beverages used for purposes described in this
16 subsection (d), including the submission or consumption of the
17 homemade brewed beverages, are not considered sold or offered
18 for sale under this Act. A public exhibition, demonstration,
19 tasting, or sampling with sampling sizes as authorized by
20 Section 6-31 held by a licensee on a location other than a
21 retail licensed premises may require an admission charge to the
22 event, but no separate or additional fee may be charged for the
23 consumption of a person's homemade brewed beverages at the
24 public exhibition, demonstration, tasting, or sampling with
25 sampling sizes as authorized by Section 6-31. Event admission
26 charges that are collected may be partially used to provide

1 prizes to makers of homemade brewed beverages, but the
2 admission charges may not be divided in any fashion among the
3 makers of the homemade brewed beverages who participate in the
4 event. Homemade brewed beverages used for purposes described in
5 this subsection (d) are not considered sold or offered for sale
6 under this Act if a maker of homemade brewed beverages receives
7 free event admission or discounted event admission in return
8 for the maker's donation of the homemade brewed beverages to an
9 event specified in this subsection (d) that collects event
10 admission charges; free admission or discounted admission to
11 the event is not considered compensation under this Act. No
12 admission fee and no charge for the consumption of a person's
13 homemade brewed beverage may be collected if the public
14 exhibition, demonstration, tasting, or sampling with sampling
15 sizes as authorized by Section 6-31 is held at a private
16 residence.

17 (e) A person who is not a licensee under this Act may at a
18 private residence, and a person who is a licensee under this
19 Act may on the licensed premises, conduct, sponsor, or host a
20 contest, competition, or other event for the exhibition,
21 demonstration, judging, tasting, or sampling of homemade
22 brewed beverages made in compliance with the limitations
23 specified in subsection (a), if the person does not sell the
24 homemade brewed beverages and, unless the person is the brewer
25 of the homemade brewed beverages, does not acquire any
26 ownership interest in the homemade brewed beverages. If the

1 contest, competition, exhibition, demonstration, or judging is
2 not held at a private residence, the consumption of the
3 homemade brewed beverages is limited to qualified judges and
4 stewards as defined by a national or international beer judging
5 program, who are identified by the event organizer in advance
6 of the contest, competition, exhibition, demonstration, or
7 judging. Homemade brewed beverages used for the purposes
8 described in this subsection (e), including the submission or
9 consumption of the homemade brewed beverages, are not
10 considered sold or offered for sale under this Act and any
11 prize awarded at a contest or competition or as a result of an
12 exhibition, demonstration, or judging is not considered
13 compensation under this Act. An exhibition, demonstration,
14 judging, contest, or competition held by a licensee on a
15 licensed premises may require an admission charge to the event,
16 but no separate or additional fee may be charged for the
17 consumption of a person's homemade brewed beverage at the
18 exhibition, demonstration, judging, contest, or competition. A
19 portion of event admission charges that are collected may be
20 used to provide prizes to makers of homemade brewed beverages,
21 but the admission charges may not be divided in any fashion
22 among the makers of the homemade brewed beverages who
23 participate in the event. Homemade brewed beverages used for
24 purposes described in this subsection (e) are not considered
25 sold or offered for sale under this Act if a maker of homemade
26 brewed beverages receives free event admission or discounted

1 event admission in return for the maker's donation of the
2 homemade brewed beverages to an event specified in this
3 subsection (e) that collects event admission charges; free
4 admission or discounted admission to the event is not
5 considered compensation under this Act. No admission fee and no
6 charge for the consumption of a person's homemade brewed
7 beverage may be charged if the exhibition, demonstration,
8 judging, contest, or competition is held at a private
9 residence. The fact that a person is acting in a manner
10 authorized by this Section is not, by itself, sufficient to
11 constitute a public nuisance under Section 10-7 of this Act. If
12 the contest, competition, or other event is held on licensed
13 premises, the licensee may allow the homemade brewed beverages
14 to be stored on the premises if the homemade brewed beverages
15 are clearly identified and~~7~~ kept separate from any alcohol
16 beverages owned by the licensee. If the contest, competition,
17 or other event is held on licensed premises, other provisions
18 of this Act not inconsistent with this Section apply.

19 (f) A commercial enterprise engaged primarily in selling
20 supplies and equipment to the public for use by homebrewers may
21 manufacture homemade brewed beverages for the purpose of
22 tasting the homemade brewed beverages at the location of the
23 commercial enterprise, provided that the homemade brewed
24 beverages are not sold or offered for sale. Homemade brewed
25 beverages provided at a commercial enterprise for tasting under
26 this subsection (f) shall be in compliance with Sections 6-16,

1 6-21, and 6-31 of this Act. A commercial enterprise engaged
2 solely in selling supplies and equipment for use by homebrewers
3 shall not be required to secure a license under this Act,
4 however, such commercial enterprise shall secure liquor
5 liability insurance coverage in an amount at least equal to the
6 maximum liability amounts set forth in subsection (a) of
7 Section 6-21 of this Act.

8 (g) Homemade brewed beverages are not subject to Section
9 8-1 of this Act.

10 (Source: P.A. 98-55, eff. 7-5-13; revised 11-26-14.)

11 Section 340. The Illinois Public Aid Code is amended by
12 changing Sections 5-5, 5-5.2, 5A-5, and 5A-8 and by setting
13 forth and renumbering multiple versions of Section 12-4.47 as
14 follows:

15 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

16 Sec. 5-5. Medical services. The Illinois Department, by
17 rule, shall determine the quantity and quality of and the rate
18 of reimbursement for the medical assistance for which payment
19 will be authorized, and the medical services to be provided,
20 which may include all or part of the following: (1) inpatient
21 hospital services; (2) outpatient hospital services; (3) other
22 laboratory and X-ray services; (4) skilled nursing home
23 services; (5) physicians' services whether furnished in the
24 office, the patient's home, a hospital, a skilled nursing home,

1 or elsewhere; (6) medical care, or any other type of remedial
2 care furnished by licensed practitioners; (7) home health care
3 services; (8) private duty nursing service; (9) clinic
4 services; (10) dental services, including prevention and
5 treatment of periodontal disease and dental caries disease for
6 pregnant women, provided by an individual licensed to practice
7 dentistry or dental surgery; for purposes of this item (10),
8 "dental services" means diagnostic, preventive, or corrective
9 procedures provided by or under the supervision of a dentist in
10 the practice of his or her profession; (11) physical therapy
11 and related services; (12) prescribed drugs, dentures, and
12 prosthetic devices; and eyeglasses prescribed by a physician
13 skilled in the diseases of the eye, or by an optometrist,
14 whichever the person may select; (13) other diagnostic,
15 screening, preventive, and rehabilitative services, including
16 to ensure that the individual's need for intervention or
17 treatment of mental disorders or substance use disorders or
18 co-occurring mental health and substance use disorders is
19 determined using a uniform screening, assessment, and
20 evaluation process inclusive of criteria, for children and
21 adults; for purposes of this item (13), a uniform screening,
22 assessment, and evaluation process refers to a process that
23 includes an appropriate evaluation and, as warranted, a
24 referral; "uniform" does not mean the use of a singular
25 instrument, tool, or process that all must utilize; (14)
26 transportation and such other expenses as may be necessary;

1 (15) medical treatment of sexual assault survivors, as defined
2 in Section 1a of the Sexual Assault Survivors Emergency
3 Treatment Act, for injuries sustained as a result of the sexual
4 assault, including examinations and laboratory tests to
5 discover evidence which may be used in criminal proceedings
6 arising from the sexual assault; (16) the diagnosis and
7 treatment of sickle cell anemia; and (17) any other medical
8 care, and any other type of remedial care recognized under the
9 laws of this State, but not including abortions, or induced
10 miscarriages or premature births, unless, in the opinion of a
11 physician, such procedures are necessary for the preservation
12 of the life of the woman seeking such treatment, or except an
13 induced premature birth intended to produce a live viable child
14 and such procedure is necessary for the health of the mother or
15 her unborn child. The Illinois Department, by rule, shall
16 prohibit any physician from providing medical assistance to
17 anyone eligible therefor under this Code where such physician
18 has been found guilty of performing an abortion procedure in a
19 wilful and wanton manner upon a woman who was not pregnant at
20 the time such abortion procedure was performed. The term "any
21 other type of remedial care" shall include nursing care and
22 nursing home service for persons who rely on treatment by
23 spiritual means alone through prayer for healing.

24 Notwithstanding any other provision of this Section, a
25 comprehensive tobacco use cessation program that includes
26 purchasing prescription drugs or prescription medical devices

1 approved by the Food and Drug Administration shall be covered
2 under the medical assistance program under this Article for
3 persons who are otherwise eligible for assistance under this
4 Article.

5 Notwithstanding any other provision of this Code, the
6 Illinois Department may not require, as a condition of payment
7 for any laboratory test authorized under this Article, that a
8 physician's handwritten signature appear on the laboratory
9 test order form. The Illinois Department may, however, impose
10 other appropriate requirements regarding laboratory test order
11 documentation.

12 Upon receipt of federal approval of an amendment to the
13 Illinois Title XIX State Plan for this purpose, the Department
14 shall authorize the Chicago Public Schools (CPS) to procure a
15 vendor or vendors to manufacture eyeglasses for individuals
16 enrolled in a school within the CPS system. CPS shall ensure
17 that its vendor or vendors are enrolled as providers in the
18 medical assistance program and in any capitated Medicaid
19 managed care entity (MCE) serving individuals enrolled in a
20 school within the CPS system. Under any contract procured under
21 this provision, the vendor or vendors must serve only
22 individuals enrolled in a school within the CPS system. Claims
23 for services provided by CPS's vendor or vendors to recipients
24 of benefits in the medical assistance program under this Code,
25 the Children's Health Insurance Program, or the Covering ALL
26 KIDS Health Insurance Program shall be submitted to the

1 Department or the MCE in which the individual is enrolled for
2 payment and shall be reimbursed at the Department's or the
3 MCE's established rates or rate methodologies for eyeglasses.

4 On and after July 1, 2012, the Department of Healthcare and
5 Family Services may provide the following services to persons
6 eligible for assistance under this Article who are
7 participating in education, training or employment programs
8 operated by the Department of Human Services as successor to
9 the Department of Public Aid:

10 (1) dental services provided by or under the
11 supervision of a dentist; and

12 (2) eyeglasses prescribed by a physician skilled in the
13 diseases of the eye, or by an optometrist, whichever the
14 person may select.

15 Notwithstanding any other provision of this Code and
16 subject to federal approval, the Department may adopt rules to
17 allow a dentist who is volunteering his or her service at no
18 cost to render dental services through an enrolled
19 not-for-profit health clinic without the dentist personally
20 enrolling as a participating provider in the medical assistance
21 program. A not-for-profit health clinic shall include a public
22 health clinic or Federally Qualified Health Center or other
23 enrolled provider, as determined by the Department, through
24 which dental services covered under this Section are performed.
25 The Department shall establish a process for payment of claims
26 for reimbursement for covered dental services rendered under

1 this provision.

2 The Illinois Department, by rule, may distinguish and
3 classify the medical services to be provided only in accordance
4 with the classes of persons designated in Section 5-2.

5 The Department of Healthcare and Family Services must
6 provide coverage and reimbursement for amino acid-based
7 elemental formulas, regardless of delivery method, for the
8 diagnosis and treatment of (i) eosinophilic disorders and (ii)
9 short bowel syndrome when the prescribing physician has issued
10 a written order stating that the amino acid-based elemental
11 formula is medically necessary.

12 The Illinois Department shall authorize the provision of,
13 and shall authorize payment for, screening by low-dose
14 mammography for the presence of occult breast cancer for women
15 35 years of age or older who are eligible for medical
16 assistance under this Article, as follows:

17 (A) A baseline mammogram for women 35 to 39 years of
18 age.

19 (B) An annual mammogram for women 40 years of age or
20 older.

21 (C) A mammogram at the age and intervals considered
22 medically necessary by the woman's health care provider for
23 women under 40 years of age and having a family history of
24 breast cancer, prior personal history of breast cancer,
25 positive genetic testing, or other risk factors.

26 (D) A comprehensive ultrasound screening of an entire

1 breast or breasts if a mammogram demonstrates
2 heterogeneous or dense breast tissue, when medically
3 necessary as determined by a physician licensed to practice
4 medicine in all of its branches.

5 All screenings shall include a physical breast exam,
6 instruction on self-examination and information regarding the
7 frequency of self-examination and its value as a preventative
8 tool. For purposes of this Section, "low-dose mammography"
9 means the x-ray examination of the breast using equipment
10 dedicated specifically for mammography, including the x-ray
11 tube, filter, compression device, and image receptor, with an
12 average radiation exposure delivery of less than one rad per
13 breast for 2 views of an average size breast. The term also
14 includes digital mammography.

15 On and after January 1, 2012, providers participating in a
16 quality improvement program approved by the Department shall be
17 reimbursed for screening and diagnostic mammography at the same
18 rate as the Medicare program's rates, including the increased
19 reimbursement for digital mammography.

20 The Department shall convene an expert panel including
21 representatives of hospitals, free-standing mammography
22 facilities, and doctors, including radiologists, to establish
23 quality standards.

24 Subject to federal approval, the Department shall
25 establish a rate methodology for mammography at federally
26 qualified health centers and other encounter-rate clinics.

1 These clinics or centers may also collaborate with other
2 hospital-based mammography facilities.

3 The Department shall establish a methodology to remind
4 women who are age-appropriate for screening mammography, but
5 who have not received a mammogram within the previous 18
6 months, of the importance and benefit of screening mammography.

7 The Department shall establish a performance goal for
8 primary care providers with respect to their female patients
9 over age 40 receiving an annual mammogram. This performance
10 goal shall be used to provide additional reimbursement in the
11 form of a quality performance bonus to primary care providers
12 who meet that goal.

13 The Department shall devise a means of case-managing or
14 patient navigation for beneficiaries diagnosed with breast
15 cancer. This program shall initially operate as a pilot program
16 in areas of the State with the highest incidence of mortality
17 related to breast cancer. At least one pilot program site shall
18 be in the metropolitan Chicago area and at least one site shall
19 be outside the metropolitan Chicago area. An evaluation of the
20 pilot program shall be carried out measuring health outcomes
21 and cost of care for those served by the pilot program compared
22 to similarly situated patients who are not served by the pilot
23 program.

24 Any medical or health care provider shall immediately
25 recommend, to any pregnant woman who is being provided prenatal
26 services and is suspected of drug abuse or is addicted as

1 defined in the Alcoholism and Other Drug Abuse and Dependency
2 Act, referral to a local substance abuse treatment provider
3 licensed by the Department of Human Services or to a licensed
4 hospital which provides substance abuse treatment services.
5 The Department of Healthcare and Family Services shall assure
6 coverage for the cost of treatment of the drug abuse or
7 addiction for pregnant recipients in accordance with the
8 Illinois Medicaid Program in conjunction with the Department of
9 Human Services.

10 All medical providers providing medical assistance to
11 pregnant women under this Code shall receive information from
12 the Department on the availability of services under the Drug
13 Free Families with a Future or any comparable program providing
14 case management services for addicted women, including
15 information on appropriate referrals for other social services
16 that may be needed by addicted women in addition to treatment
17 for addiction.

18 The Illinois Department, in cooperation with the
19 Departments of Human Services (as successor to the Department
20 of Alcoholism and Substance Abuse) and Public Health, through a
21 public awareness campaign, may provide information concerning
22 treatment for alcoholism and drug abuse and addiction, prenatal
23 health care, and other pertinent programs directed at reducing
24 the number of drug-affected infants born to recipients of
25 medical assistance.

26 Neither the Department of Healthcare and Family Services

1 nor the Department of Human Services shall sanction the
2 recipient solely on the basis of her substance abuse.

3 The Illinois Department shall establish such regulations
4 governing the dispensing of health services under this Article
5 as it shall deem appropriate. The Department should seek the
6 advice of formal professional advisory committees appointed by
7 the Director of the Illinois Department for the purpose of
8 providing regular advice on policy and administrative matters,
9 information dissemination and educational activities for
10 medical and health care providers, and consistency in
11 procedures to the Illinois Department.

12 The Illinois Department may develop and contract with
13 Partnerships of medical providers to arrange medical services
14 for persons eligible under Section 5-2 of this Code.
15 Implementation of this Section may be by demonstration projects
16 in certain geographic areas. The Partnership shall be
17 represented by a sponsor organization. The Department, by rule,
18 shall develop qualifications for sponsors of Partnerships.
19 Nothing in this Section shall be construed to require that the
20 sponsor organization be a medical organization.

21 The sponsor must negotiate formal written contracts with
22 medical providers for physician services, inpatient and
23 outpatient hospital care, home health services, treatment for
24 alcoholism and substance abuse, and other services determined
25 necessary by the Illinois Department by rule for delivery by
26 Partnerships. Physician services must include prenatal and

1 obstetrical care. The Illinois Department shall reimburse
2 medical services delivered by Partnership providers to clients
3 in target areas according to provisions of this Article and the
4 Illinois Health Finance Reform Act, except that:

5 (1) Physicians participating in a Partnership and
6 providing certain services, which shall be determined by
7 the Illinois Department, to persons in areas covered by the
8 Partnership may receive an additional surcharge for such
9 services.

10 (2) The Department may elect to consider and negotiate
11 financial incentives to encourage the development of
12 Partnerships and the efficient delivery of medical care.

13 (3) Persons receiving medical services through
14 Partnerships may receive medical and case management
15 services above the level usually offered through the
16 medical assistance program.

17 Medical providers shall be required to meet certain
18 qualifications to participate in Partnerships to ensure the
19 delivery of high quality medical services. These
20 qualifications shall be determined by rule of the Illinois
21 Department and may be higher than qualifications for
22 participation in the medical assistance program. Partnership
23 sponsors may prescribe reasonable additional qualifications
24 for participation by medical providers, only with the prior
25 written approval of the Illinois Department.

26 Nothing in this Section shall limit the free choice of

1 practitioners, hospitals, and other providers of medical
2 services by clients. In order to ensure patient freedom of
3 choice, the Illinois Department shall immediately promulgate
4 all rules and take all other necessary actions so that provided
5 services may be accessed from therapeutically certified
6 optometrists to the full extent of the Illinois Optometric
7 Practice Act of 1987 without discriminating between service
8 providers.

9 The Department shall apply for a waiver from the United
10 States Health Care Financing Administration to allow for the
11 implementation of Partnerships under this Section.

12 The Illinois Department shall require health care
13 providers to maintain records that document the medical care
14 and services provided to recipients of Medical Assistance under
15 this Article. Such records must be retained for a period of not
16 less than 6 years from the date of service or as provided by
17 applicable State law, whichever period is longer, except that
18 if an audit is initiated within the required retention period
19 then the records must be retained until the audit is completed
20 and every exception is resolved. The Illinois Department shall
21 require health care providers to make available, when
22 authorized by the patient, in writing, the medical records in a
23 timely fashion to other health care providers who are treating
24 or serving persons eligible for Medical Assistance under this
25 Article. All dispensers of medical services shall be required
26 to maintain and retain business and professional records

1 sufficient to fully and accurately document the nature, scope,
2 details and receipt of the health care provided to persons
3 eligible for medical assistance under this Code, in accordance
4 with regulations promulgated by the Illinois Department. The
5 rules and regulations shall require that proof of the receipt
6 of prescription drugs, dentures, prosthetic devices and
7 eyeglasses by eligible persons under this Section accompany
8 each claim for reimbursement submitted by the dispenser of such
9 medical services. No such claims for reimbursement shall be
10 approved for payment by the Illinois Department without such
11 proof of receipt, unless the Illinois Department shall have put
12 into effect and shall be operating a system of post-payment
13 audit and review which shall, on a sampling basis, be deemed
14 adequate by the Illinois Department to assure that such drugs,
15 dentures, prosthetic devices and eyeglasses for which payment
16 is being made are actually being received by eligible
17 recipients. Within 90 days after the effective date of this
18 amendatory Act of 1984, the Illinois Department shall establish
19 a current list of acquisition costs for all prosthetic devices
20 and any other items recognized as medical equipment and
21 supplies reimbursable under this Article and shall update such
22 list on a quarterly basis, except that the acquisition costs of
23 all prescription drugs shall be updated no less frequently than
24 every 30 days as required by Section 5-5.12.

25 The rules and regulations of the Illinois Department shall
26 require that a written statement including the required opinion

1 of a physician shall accompany any claim for reimbursement for
2 abortions, or induced miscarriages or premature births. This
3 statement shall indicate what procedures were used in providing
4 such medical services.

5 Notwithstanding any other law to the contrary, the Illinois
6 Department shall, within 365 days after July 22, 2013~~7~~ (the
7 effective date of Public Act 98-104), establish procedures to
8 permit skilled care facilities licensed under the Nursing Home
9 Care Act to submit monthly billing claims for reimbursement
10 purposes. Following development of these procedures, the
11 Department shall have an additional 365 days to test the
12 viability of the new system and to ensure that any necessary
13 operational or structural changes to its information
14 technology platforms are implemented.

15 Notwithstanding any other law to the contrary, the Illinois
16 Department shall, within 365 days after August 15, 2014 (the
17 effective date of Public Act 98-963) ~~this amendatory Act of the~~
18 ~~98th General Assembly~~, establish procedures to permit ID/DD
19 facilities licensed under the ID/DD Community Care Act to
20 submit monthly billing claims for reimbursement purposes.
21 Following development of these procedures, the Department
22 shall have an additional 365 days to test the viability of the
23 new system and to ensure that any necessary operational or
24 structural changes to its information technology platforms are
25 implemented.

26 The Illinois Department shall require all dispensers of

1 medical services, other than an individual practitioner or
2 group of practitioners, desiring to participate in the Medical
3 Assistance program established under this Article to disclose
4 all financial, beneficial, ownership, equity, surety or other
5 interests in any and all firms, corporations, partnerships,
6 associations, business enterprises, joint ventures, agencies,
7 institutions or other legal entities providing any form of
8 health care services in this State under this Article.

9 The Illinois Department may require that all dispensers of
10 medical services desiring to participate in the medical
11 assistance program established under this Article disclose,
12 under such terms and conditions as the Illinois Department may
13 by rule establish, all inquiries from clients and attorneys
14 regarding medical bills paid by the Illinois Department, which
15 inquiries could indicate potential existence of claims or liens
16 for the Illinois Department.

17 Enrollment of a vendor shall be subject to a provisional
18 period and shall be conditional for one year. During the period
19 of conditional enrollment, the Department may terminate the
20 vendor's eligibility to participate in, or may disenroll the
21 vendor from, the medical assistance program without cause.
22 Unless otherwise specified, such termination of eligibility or
23 disenrollment is not subject to the Department's hearing
24 process. However, a disenrolled vendor may reapply without
25 penalty.

26 The Department has the discretion to limit the conditional

1 enrollment period for vendors based upon category of risk of
2 the vendor.

3 Prior to enrollment and during the conditional enrollment
4 period in the medical assistance program, all vendors shall be
5 subject to enhanced oversight, screening, and review based on
6 the risk of fraud, waste, and abuse that is posed by the
7 category of risk of the vendor. The Illinois Department shall
8 establish the procedures for oversight, screening, and review,
9 which may include, but need not be limited to: criminal and
10 financial background checks; fingerprinting; license,
11 certification, and authorization verifications; unscheduled or
12 unannounced site visits; database checks; prepayment audit
13 reviews; audits; payment caps; payment suspensions; and other
14 screening as required by federal or State law.

15 The Department shall define or specify the following: (i)
16 by provider notice, the "category of risk of the vendor" for
17 each type of vendor, which shall take into account the level of
18 screening applicable to a particular category of vendor under
19 federal law and regulations; (ii) by rule or provider notice,
20 the maximum length of the conditional enrollment period for
21 each category of risk of the vendor; and (iii) by rule, the
22 hearing rights, if any, afforded to a vendor in each category
23 of risk of the vendor that is terminated or disenrolled during
24 the conditional enrollment period.

25 To be eligible for payment consideration, a vendor's
26 payment claim or bill, either as an initial claim or as a

1 resubmitted claim following prior rejection, must be received
2 by the Illinois Department, or its fiscal intermediary, no
3 later than 180 days after the latest date on the claim on which
4 medical goods or services were provided, with the following
5 exceptions:

6 (1) In the case of a provider whose enrollment is in
7 process by the Illinois Department, the 180-day period
8 shall not begin until the date on the written notice from
9 the Illinois Department that the provider enrollment is
10 complete.

11 (2) In the case of errors attributable to the Illinois
12 Department or any of its claims processing intermediaries
13 which result in an inability to receive, process, or
14 adjudicate a claim, the 180-day period shall not begin
15 until the provider has been notified of the error.

16 (3) In the case of a provider for whom the Illinois
17 Department initiates the monthly billing process.

18 (4) In the case of a provider operated by a unit of
19 local government with a population exceeding 3,000,000
20 when local government funds finance federal participation
21 for claims payments.

22 For claims for services rendered during a period for which
23 a recipient received retroactive eligibility, claims must be
24 filed within 180 days after the Department determines the
25 applicant is eligible. For claims for which the Illinois
26 Department is not the primary payer, claims must be submitted

1 to the Illinois Department within 180 days after the final
2 adjudication by the primary payer.

3 In the case of long term care facilities, within 5 days of
4 receipt by the facility of required prescreening information,
5 data for new admissions shall be entered into the Medical
6 Electronic Data Interchange (MEDI) or the Recipient
7 Eligibility Verification (REV) System or successor system, and
8 within 15 days of receipt by the facility of required
9 prescreening information, admission documents shall be
10 submitted through MEDI or REV or shall be submitted directly to
11 the Department of Human Services using required admission
12 forms. Effective September 1, 2014, admission documents,
13 including all prescreening information, must be submitted
14 through MEDI or REV. Confirmation numbers assigned to an
15 accepted transaction shall be retained by a facility to verify
16 timely submittal. Once an admission transaction has been
17 completed, all resubmitted claims following prior rejection
18 are subject to receipt no later than 180 days after the
19 admission transaction has been completed.

20 Claims that are not submitted and received in compliance
21 with the foregoing requirements shall not be eligible for
22 payment under the medical assistance program, and the State
23 shall have no liability for payment of those claims.

24 To the extent consistent with applicable information and
25 privacy, security, and disclosure laws, State and federal
26 agencies and departments shall provide the Illinois Department

1 access to confidential and other information and data necessary
2 to perform eligibility and payment verifications and other
3 Illinois Department functions. This includes, but is not
4 limited to: information pertaining to licensure;
5 certification; earnings; immigration status; citizenship; wage
6 reporting; unearned and earned income; pension income;
7 employment; supplemental security income; social security
8 numbers; National Provider Identifier (NPI) numbers; the
9 National Practitioner Data Bank (NPDB); program and agency
10 exclusions; taxpayer identification numbers; tax delinquency;
11 corporate information; and death records.

12 The Illinois Department shall enter into agreements with
13 State agencies and departments, and is authorized to enter into
14 agreements with federal agencies and departments, under which
15 such agencies and departments shall share data necessary for
16 medical assistance program integrity functions and oversight.
17 The Illinois Department shall develop, in cooperation with
18 other State departments and agencies, and in compliance with
19 applicable federal laws and regulations, appropriate and
20 effective methods to share such data. At a minimum, and to the
21 extent necessary to provide data sharing, the Illinois
22 Department shall enter into agreements with State agencies and
23 departments, and is authorized to enter into agreements with
24 federal agencies and departments, including but not limited to:
25 the Secretary of State; the Department of Revenue; the
26 Department of Public Health; the Department of Human Services;

1 and the Department of Financial and Professional Regulation.

2 Beginning in fiscal year 2013, the Illinois Department
3 shall set forth a request for information to identify the
4 benefits of a pre-payment, post-adjudication, and post-edit
5 claims system with the goals of streamlining claims processing
6 and provider reimbursement, reducing the number of pending or
7 rejected claims, and helping to ensure a more transparent
8 adjudication process through the utilization of: (i) provider
9 data verification and provider screening technology; and (ii)
10 clinical code editing; and (iii) pre-pay, pre- or
11 post-adjudicated predictive modeling with an integrated case
12 management system with link analysis. Such a request for
13 information shall not be considered as a request for proposal
14 or as an obligation on the part of the Illinois Department to
15 take any action or acquire any products or services.

16 The Illinois Department shall establish policies,
17 procedures, standards and criteria by rule for the acquisition,
18 repair and replacement of orthotic and prosthetic devices and
19 durable medical equipment. Such rules shall provide, but not be
20 limited to, the following services: (1) immediate repair or
21 replacement of such devices by recipients; and (2) rental,
22 lease, purchase or lease-purchase of durable medical equipment
23 in a cost-effective manner, taking into consideration the
24 recipient's medical prognosis, the extent of the recipient's
25 needs, and the requirements and costs for maintaining such
26 equipment. Subject to prior approval, such rules shall enable a

1 recipient to temporarily acquire and use alternative or
2 substitute devices or equipment pending repairs or
3 replacements of any device or equipment previously authorized
4 for such recipient by the Department.

5 The Department shall execute, relative to the nursing home
6 prescreening project, written inter-agency agreements with the
7 Department of Human Services and the Department on Aging, to
8 effect the following: (i) intake procedures and common
9 eligibility criteria for those persons who are receiving
10 non-institutional services; and (ii) the establishment and
11 development of non-institutional services in areas of the State
12 where they are not currently available or are undeveloped; and
13 (iii) notwithstanding any other provision of law, subject to
14 federal approval, on and after July 1, 2012, an increase in the
15 determination of need (DON) scores from 29 to 37 for applicants
16 for institutional and home and community-based long term care;
17 if and only if federal approval is not granted, the Department
18 may, in conjunction with other affected agencies, implement
19 utilization controls or changes in benefit packages to
20 effectuate a similar savings amount for this population; and
21 (iv) no later than July 1, 2013, minimum level of care
22 eligibility criteria for institutional and home and
23 community-based long term care; and (v) no later than October
24 1, 2013, establish procedures to permit long term care
25 providers access to eligibility scores for individuals with an
26 admission date who are seeking or receiving services from the

1 long term care provider. In order to select the minimum level
2 of care eligibility criteria, the Governor shall establish a
3 workgroup that includes affected agency representatives and
4 stakeholders representing the institutional and home and
5 community-based long term care interests. This Section shall
6 not restrict the Department from implementing lower level of
7 care eligibility criteria for community-based services in
8 circumstances where federal approval has been granted.

9 The Illinois Department shall develop and operate, in
10 cooperation with other State Departments and agencies and in
11 compliance with applicable federal laws and regulations,
12 appropriate and effective systems of health care evaluation and
13 programs for monitoring of utilization of health care services
14 and facilities, as it affects persons eligible for medical
15 assistance under this Code.

16 The Illinois Department shall report annually to the
17 General Assembly, no later than the second Friday in April of
18 1979 and each year thereafter, in regard to:

19 (a) actual statistics and trends in utilization of
20 medical services by public aid recipients;

21 (b) actual statistics and trends in the provision of
22 the various medical services by medical vendors;

23 (c) current rate structures and proposed changes in
24 those rate structures for the various medical vendors; and

25 (d) efforts at utilization review and control by the
26 Illinois Department.

1 The period covered by each report shall be the 3 years
2 ending on the June 30 prior to the report. The report shall
3 include suggested legislation for consideration by the General
4 Assembly. The filing of one copy of the report with the
5 Speaker, one copy with the Minority Leader and one copy with
6 the Clerk of the House of Representatives, one copy with the
7 President, one copy with the Minority Leader and one copy with
8 the Secretary of the Senate, one copy with the Legislative
9 Research Unit, and such additional copies with the State
10 Government Report Distribution Center for the General Assembly
11 as is required under paragraph (t) of Section 7 of the State
12 Library Act shall be deemed sufficient to comply with this
13 Section.

14 Rulemaking authority to implement Public Act 95-1045, if
15 any, is conditioned on the rules being adopted in accordance
16 with all provisions of the Illinois Administrative Procedure
17 Act and all rules and procedures of the Joint Committee on
18 Administrative Rules; any purported rule not so adopted, for
19 whatever reason, is unauthorized.

20 On and after July 1, 2012, the Department shall reduce any
21 rate of reimbursement for services or other payments or alter
22 any methodologies authorized by this Code to reduce any rate of
23 reimbursement for services or other payments in accordance with
24 Section 5-5e.

25 Because kidney transplantation can be an appropriate, cost
26 effective alternative to renal dialysis when medically

1 necessary and notwithstanding the provisions of Section 1-11 of
2 this Code, beginning October 1, 2014, the Department shall
3 cover kidney transplantation for noncitizens with end-stage
4 renal disease who are not eligible for comprehensive medical
5 benefits, who meet the residency requirements of Section 5-3 of
6 this Code, and who would otherwise meet the financial
7 requirements of the appropriate class of eligible persons under
8 Section 5-2 of this Code. To qualify for coverage of kidney
9 transplantation, such person must be receiving emergency renal
10 dialysis services covered by the Department. Providers under
11 this Section shall be prior approved and certified by the
12 Department to perform kidney transplantation and the services
13 under this Section shall be limited to services associated with
14 kidney transplantation.

15 (Source: P.A. 97-48, eff. 6-28-11; 97-638, eff. 1-1-12; 97-689,
16 eff. 6-14-12; 97-1061, eff. 8-24-12; 98-104, Article 9, Section
17 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff.
18 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651,
19 eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14;
20 revised 10-2-14.)

21 (305 ILCS 5/5-5.2) (from Ch. 23, par. 5-5.2)

22 Sec. 5-5.2. Payment.

23 (a) All nursing facilities that are grouped pursuant to
24 Section 5-5.1 of this Act shall receive the same rate of
25 payment for similar services.

1 (b) It shall be a matter of State policy that the Illinois
2 Department shall utilize a uniform billing cycle throughout the
3 State for the long-term care providers.

4 (c) Notwithstanding any other provisions of this Code, the
5 methodologies for reimbursement of nursing services as
6 provided under this Article shall no longer be applicable for
7 bills payable for nursing services rendered on or after a new
8 reimbursement system based on the Resource Utilization Groups
9 (RUGs) has been fully operationalized, which shall take effect
10 for services provided on or after January 1, 2014.

11 (d) The new nursing services reimbursement methodology
12 utilizing RUG-IV 48 grouper model, which shall be referred to
13 as the RUGs reimbursement system, taking effect January 1,
14 2014, shall be based on the following:

15 (1) The methodology shall be resident-driven,
16 facility-specific, and cost-based.

17 (2) Costs shall be annually rebased and case mix index
18 quarterly updated. The nursing services methodology will
19 be assigned to the Medicaid enrolled residents on record as
20 of 30 days prior to the beginning of the rate period in the
21 Department's Medicaid Management Information System (MMIS)
22 as present on the last day of the second quarter preceding
23 the rate period based upon the Assessment Reference Date of
24 the Minimum Data Set (MDS).

25 (3) Regional wage adjustors based on the Health Service
26 Areas (HSA) groupings and adjusters in effect on April 30,

1 2012 shall be included.

2 (4) Case mix index shall be assigned to each resident
3 class based on the Centers for Medicare and Medicaid
4 Services staff time measurement study in effect on July 1,
5 2013, utilizing an index maximization approach.

6 (5) The pool of funds available for distribution by
7 case mix and the base facility rate shall be determined
8 using the formula contained in subsection (d-1).

9 (d-1) Calculation of base year Statewide RUG-IV nursing
10 base per diem rate.

11 (1) Base rate spending pool shall be:

12 (A) The base year resident days which are
13 calculated by multiplying the number of Medicaid
14 residents in each nursing home as indicated in the MDS
15 data defined in paragraph (4) by 365.

16 (B) Each facility's nursing component per diem in
17 effect on July 1, 2012 shall be multiplied by
18 subsection (A).

19 (C) Thirteen million is added to the product of
20 subparagraph (A) and subparagraph (B) to adjust for the
21 exclusion of nursing homes defined in paragraph (5).

22 (2) For each nursing home with Medicaid residents as
23 indicated by the MDS data defined in paragraph (4),
24 weighted days adjusted for case mix and regional wage
25 adjustment shall be calculated. For each home this
26 calculation is the product of:

1 (A) Base year resident days as calculated in
2 subparagraph (A) of paragraph (1).

3 (B) The nursing home's regional wage adjustor
4 based on the Health Service Areas (HSA) groupings and
5 adjustors in effect on April 30, 2012.

6 (C) Facility weighted case mix which is the number
7 of Medicaid residents as indicated by the MDS data
8 defined in paragraph (4) multiplied by the associated
9 case weight for the RUG-IV 48 grouper model using
10 standard RUG-IV procedures for index maximization.

11 (D) The sum of the products calculated for each
12 nursing home in subparagraphs (A) through (C) above
13 shall be the base year case mix, rate adjusted weighted
14 days.

15 (3) The Statewide RUG-IV nursing base per diem rate:

16 (A) on January 1, 2014 shall be the quotient of the
17 paragraph (1) divided by the sum calculated under
18 subparagraph (D) of paragraph (2); and

19 (B) on and after July 1, 2014, shall be the amount
20 calculated under subparagraph (A) of this paragraph
21 (3) plus \$1.76.

22 (4) Minimum Data Set (MDS) comprehensive assessments
23 for Medicaid residents on the last day of the quarter used
24 to establish the base rate.

25 (5) Nursing facilities designated as of July 1, 2012 by
26 the Department as "Institutions for Mental Disease" shall

1 be excluded from all calculations under this subsection.
2 The data from these facilities shall not be used in the
3 computations described in paragraphs (1) through (4) above
4 to establish the base rate.

5 (e) Beginning July 1, 2014, the Department shall allocate
6 funding in the amount up to \$10,000,000 for per diem add-ons to
7 the RUGS methodology for dates of service on and after July 1,
8 2014:

9 (1) \$0.63 for each resident who scores in I4200
10 Alzheimer's Disease or I4800 non-Alzheimer's Dementia.

11 (2) \$2.67 for each resident who scores either a "1" or
12 "2" in any items S1200A through S1200I and also scores in
13 RUG groups PA1, PA2, BA1, or BA2.

14 (e-1) (Blank).

15 (e-2) For dates of services beginning January 1, 2014, the
16 RUG-IV nursing component per diem for a nursing home shall be
17 the product of the statewide RUG-IV nursing base per diem rate,
18 the facility average case mix index, and the regional wage
19 adjustor. Transition rates for services provided between
20 January 1, 2014 and December 31, 2014 shall be as follows:

21 (1) The transition RUG-IV per diem nursing rate for
22 nursing homes whose rate calculated in this subsection
23 (e-2) is greater than the nursing component rate in effect
24 July 1, 2012 shall be paid the sum of:

25 (A) The nursing component rate in effect July 1,
26 2012; plus

1 (B) The difference of the RUG-IV nursing component
2 per diem calculated for the current quarter minus the
3 nursing component rate in effect July 1, 2012
4 multiplied by 0.88.

5 (2) The transition RUG-IV per diem nursing rate for
6 nursing homes whose rate calculated in this subsection
7 (e-2) is less than the nursing component rate in effect
8 July 1, 2012 shall be paid the sum of:

9 (A) The nursing component rate in effect July 1,
10 2012; plus

11 (B) The difference of the RUG-IV nursing component
12 per diem calculated for the current quarter minus the
13 nursing component rate in effect July 1, 2012
14 multiplied by 0.13.

15 (f) Notwithstanding any other provision of this Code, on
16 and after July 1, 2012, reimbursement rates associated with the
17 nursing or support components of the current nursing facility
18 rate methodology shall not increase beyond the level effective
19 May 1, 2011 until a new reimbursement system based on the RUGs
20 IV 48 grouper model has been fully operationalized.

21 (g) Notwithstanding any other provision of this Code, on
22 and after July 1, 2012, for facilities not designated by the
23 Department of Healthcare and Family Services as "Institutions
24 for Mental Disease", rates effective May 1, 2011 shall be
25 adjusted as follows:

26 (1) Individual nursing rates for residents classified

1 in RUG IV groups PA1, PA2, BA1, and BA2 during the quarter
2 ending March 31, 2012 shall be reduced by 10%;

3 (2) Individual nursing rates for residents classified
4 in all other RUG IV groups shall be reduced by 1.0%;

5 (3) Facility rates for the capital and support
6 components shall be reduced by 1.7%.

7 (h) Notwithstanding any other provision of this Code, on
8 and after July 1, 2012, nursing facilities designated by the
9 Department of Healthcare and Family Services as "Institutions
10 for Mental Disease" and "Institutions for Mental Disease" that
11 are facilities licensed under the Specialized Mental Health
12 Rehabilitation Act of 2013 shall have the nursing,
13 socio-developmental, capital, and support components of their
14 reimbursement rate effective May 1, 2011 reduced in total by
15 2.7%.

16 (i) On and after July 1, 2014, the reimbursement rates for
17 the support component of the nursing facility rate for
18 facilities licensed under the Nursing Home Care Act as skilled
19 or intermediate care facilities shall be the rate in effect on
20 June 30, 2014 increased by 8.17%.

21 (Source: P.A. 97-689, eff. 6-14-12; 98-104, Article 6, Section
22 6-240, eff. 7-22-13; 98-104, Article 11, Section 11-35, eff.
23 7-22-13; 98-651, eff. 6-16-14; 98-727, eff. 7-16-14; 98-756,
24 eff. 7-16-14; revised 10-2-14.)

25 (305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)

1 Sec. 5A-5. Notice; penalty; maintenance of records.

2 (a) The Illinois Department shall send a notice of
3 assessment to every hospital provider subject to assessment
4 under this Article. The notice of assessment shall notify the
5 hospital of its assessment and shall be sent after receipt by
6 the Department of notification from the Centers for Medicare
7 and Medicaid Services of the U.S. Department of Health and
8 Human Services that the payment methodologies required under
9 this Article and, if necessary, the waiver granted under 42 CFR
10 433.68 have been approved. The notice shall be on a form
11 prepared by the Illinois Department and shall state the
12 following:

13 (1) The name of the hospital provider.

14 (2) The address of the hospital provider's principal
15 place of business from which the provider engages in the
16 occupation of hospital provider in this State, and the name
17 and address of each hospital operated, conducted, or
18 maintained by the provider in this State.

19 (3) The occupied bed days, occupied bed days less
20 Medicare days, adjusted gross hospital revenue, or
21 outpatient gross revenue of the hospital provider
22 (whichever is applicable), the amount of assessment
23 imposed under Section 5A-2 for the State fiscal year for
24 which the notice is sent, and the amount of each
25 installment to be paid during the State fiscal year.

26 (4) (Blank).

1 (5) Other reasonable information as determined by the
2 Illinois Department.

3 (b) If a hospital provider conducts, operates, or maintains
4 more than one hospital licensed by the Illinois Department of
5 Public Health, the provider shall pay the assessment for each
6 hospital separately.

7 (c) Notwithstanding any other provision in this Article, in
8 the case of a person who ceases to conduct, operate, or
9 maintain a hospital in respect of which the person is subject
10 to assessment under this Article as a hospital provider, the
11 assessment for the State fiscal year in which the cessation
12 occurs shall be adjusted by multiplying the assessment computed
13 under Section 5A-2 by a fraction, the numerator of which is the
14 number of days in the year during which the provider conducts,
15 operates, or maintains the hospital and the denominator of
16 which is 365. Immediately upon ceasing to conduct, operate, or
17 maintain a hospital, the person shall pay the assessment for
18 the year as so adjusted (to the extent not previously paid).

19 (d) Notwithstanding any other provision in this Article, a
20 provider who commences conducting, operating, or maintaining a
21 hospital, upon notice by the Illinois Department, shall pay the
22 assessment computed under Section 5A-2 and subsection (e) in
23 installments on the due dates stated in the notice and on the
24 regular installment due dates for the State fiscal year
25 occurring after the due dates of the initial notice.

26 (e) Notwithstanding any other provision in this Article,

1 for State fiscal years 2009 through 2018 ~~2015~~, in the case of a
2 hospital provider that did not conduct, operate, or maintain a
3 hospital in 2005, the assessment for that State fiscal year
4 shall be computed on the basis of hypothetical occupied bed
5 days for the full calendar year as determined by the Illinois
6 Department. Notwithstanding any other provision in this
7 Article, for the portion of State fiscal year 2012 beginning
8 June 10, 2012 through June 30, 2012, and for State fiscal years
9 2013 through 2018, in the case of a hospital provider that did
10 not conduct, operate, or maintain a hospital in 2009, the
11 assessment under subsection (b-5) of Section 5A-2 for that
12 State fiscal year shall be computed on the basis of
13 hypothetical gross outpatient revenue for the full calendar
14 year as determined by the Illinois Department.

15 (f) Every hospital provider subject to assessment under
16 this Article shall keep sufficient records to permit the
17 determination of adjusted gross hospital revenue for the
18 hospital's fiscal year. All such records shall be kept in the
19 English language and shall, at all times during regular
20 business hours of the day, be subject to inspection by the
21 Illinois Department or its duly authorized agents and
22 employees.

23 (g) The Illinois Department may, by rule, provide a
24 hospital provider a reasonable opportunity to request a
25 clarification or correction of any clerical or computational
26 errors contained in the calculation of its assessment, but such

1 corrections shall not extend to updating the cost report
2 information used to calculate the assessment.

3 (h) (Blank).

4 (Source: P.A. 97-688, eff. 6-14-12; 97-689, eff. 6-14-12;
5 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff.
6 6-16-14; 98-756, eff. 7-16-14; revised 10-2-14.)

7 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

8 Sec. 5A-8. Hospital Provider Fund.

9 (a) There is created in the State Treasury the Hospital
10 Provider Fund. Interest earned by the Fund shall be credited to
11 the Fund. The Fund shall not be used to replace any moneys
12 appropriated to the Medicaid program by the General Assembly.

13 (b) The Fund is created for the purpose of receiving moneys
14 in accordance with Section 5A-6 and disbursing moneys only for
15 the following purposes, notwithstanding any other provision of
16 law:

17 (1) For making payments to hospitals as required under
18 this Code, under the Children's Health Insurance Program
19 Act, under the Covering ALL KIDS Health Insurance Act, and
20 under the Long Term Acute Care Hospital Quality Improvement
21 Transfer Program Act.

22 (2) For the reimbursement of moneys collected by the
23 Illinois Department from hospitals or hospital providers
24 through error or mistake in performing the activities
25 authorized under this Code.

1 (3) For payment of administrative expenses incurred by
2 the Illinois Department or its agent in performing
3 activities under this Code, under the Children's Health
4 Insurance Program Act, under the Covering ALL KIDS Health
5 Insurance Act, and under the Long Term Acute Care Hospital
6 Quality Improvement Transfer Program Act.

7 (4) For payments of any amounts which are reimbursable
8 to the federal government for payments from this Fund which
9 are required to be paid by State warrant.

10 (5) For making transfers, as those transfers are
11 authorized in the proceedings authorizing debt under the
12 Short Term Borrowing Act, but transfers made under this
13 paragraph (5) shall not exceed the principal amount of debt
14 issued in anticipation of the receipt by the State of
15 moneys to be deposited into the Fund.

16 (6) For making transfers to any other fund in the State
17 treasury, but transfers made under this paragraph (6) shall
18 not exceed the amount transferred previously from that
19 other fund into the Hospital Provider Fund plus any
20 interest that would have been earned by that fund on the
21 monies that had been transferred.

22 (6.5) For making transfers to the Healthcare Provider
23 Relief Fund, except that transfers made under this
24 paragraph (6.5) shall not exceed \$60,000,000 in the
25 aggregate.

26 (7) For making transfers not exceeding the following

1 amounts, related to State fiscal years 2013 through 2018 ~~in~~
 2 ~~each State fiscal year during which an assessment is~~
 3 ~~imposed pursuant to Section 5A-2,~~ to the following
 4 designated funds:

5 Health and Human Services Medicaid Trust

6 Fund	\$20,000,000
7 Long-Term Care Provider Fund	\$30,000,000
8 General Revenue Fund	\$80,000,000.

9 Transfers under this paragraph shall be made within 7 days
 10 after the payments have been received pursuant to the
 11 schedule of payments provided in subsection (a) of Section
 12 5A-4.

13 (7.1) (Blank).

14 (7.5) (Blank).

15 (7.8) (Blank).

16 (7.9) (Blank).

17 (7.10) For State fiscal year 2014, for making transfers
 18 of the moneys resulting from the assessment under
 19 subsection (b-5) of Section 5A-2 and received from hospital
 20 providers under Section 5A-4 and transferred into the
 21 Hospital Provider Fund under Section 5A-6 to the designated
 22 funds not exceeding the following amounts in that State
 23 fiscal year:

24 Health Care Provider Relief Fund	\$100,000,000
--	---------------

25 Transfers under this paragraph shall be made within 7
 26 days after the payments have been received pursuant to the

1 schedule of payments provided in subsection (a) of Section
2 5A-4.

3 The additional amount of transfers in this paragraph
4 (7.10), authorized by Public Act 98-651 ~~this amendatory Act~~
5 ~~of the 98th General Assembly~~, shall be made within 10 State
6 business days after June 16, 2014 (the effective date of
7 Public Act 98-651) ~~this amendatory Act of the 98th General~~
8 ~~Assembly~~. That authority shall remain in effect even if
9 Public Act 98-651 ~~this amendatory Act of the 98th General~~
10 ~~Assembly~~ does not become law until State fiscal year 2015.

11 (7.10a) For State fiscal years 2015 through 2018, for
12 making transfers of the moneys resulting from the
13 assessment under subsection (b-5) of Section 5A-2 and
14 received from hospital providers under Section 5A-4 and
15 transferred into the Hospital Provider Fund under Section
16 5A-6 to the designated funds not exceeding the following
17 amounts related to each State fiscal year:

18 Health Care Provider Relief Fund \$50,000,000

19 Transfers under this paragraph shall be made within 7
20 days after the payments have been received pursuant to the
21 schedule of payments provided in subsection (a) of Section
22 5A-4.

23 (7.11) (Blank).

24 (7.12) For State fiscal year 2013, for increasing by
25 21/365ths the transfer of the moneys resulting from the
26 assessment under subsection (b-5) of Section 5A-2 and

1 received from hospital providers under Section 5A-4 for the
2 portion of State fiscal year 2012 beginning June 10, 2012
3 through June 30, 2012 and transferred into the Hospital
4 Provider Fund under Section 5A-6 to the designated funds
5 not exceeding the following amounts in that State fiscal
6 year:

7 Health Care Provider Relief Fund \$2,870,000

8 Since the federal Centers for Medicare and Medicaid
9 Services approval of the assessment authorized under
10 subsection (b-5) of Section 5A-2, received from hospital
11 providers under Section 5A-4 and the payment methodologies
12 to hospitals required under Section 5A-12.4 was not
13 received by the Department until State fiscal year 2014 and
14 since the Department made retroactive payments during
15 State fiscal year 2014 related to the referenced period of
16 June 2012, the transfer authority granted in this paragraph
17 (7.12) is extended through the date that is 10 State
18 business days after June 16, 2014 (the effective date of
19 Public Act 98-651) ~~this amendatory Act of the 98th General~~
20 ~~Assembly.~~

21 (8) For making refunds to hospital providers pursuant
22 to Section 5A-10.

23 (9) For making payment to capitated managed care
24 organizations as described in subsections (s) and (t) of
25 Section 5A-12.2 of this Code.

26 Disbursements from the Fund, other than transfers

1 authorized under paragraphs (5) and (6) of this subsection,
2 shall be by warrants drawn by the State Comptroller upon
3 receipt of vouchers duly executed and certified by the Illinois
4 Department.

5 (c) The Fund shall consist of the following:

6 (1) All moneys collected or received by the Illinois
7 Department from the hospital provider assessment imposed
8 by this Article.

9 (2) All federal matching funds received by the Illinois
10 Department as a result of expenditures made by the Illinois
11 Department that are attributable to moneys deposited in the
12 Fund.

13 (3) Any interest or penalty levied in conjunction with
14 the administration of this Article.

15 (3.5) As applicable, proceeds from surety bond
16 payments payable to the Department as referenced in
17 subsection (s) of Section 5A-12.2 of this Code.

18 (4) Moneys transferred from another fund in the State
19 treasury.

20 (5) All other moneys received for the Fund from any
21 other source, including interest earned thereon.

22 (d) (Blank).

23 (Source: P.A. 97-688, eff. 6-14-12; 97-689, eff. 6-14-12;
24 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff.
25 6-16-14; 98-756, eff. 7-16-14; revised 10-2-14.)

1 (305 ILCS 5/12-4.47)

2 Sec. 12-4.47. Continued eligibility for developmental
3 disability services for dependents of military service
4 members.

5 (a) As used in this Section:

6 "Dependent" means a spouse, birth child, adopted child, or
7 stepchild of a military service member.

8 "Legal resident" means a person who maintains Illinois as
9 his or her principal establishment, home of record, or
10 permanent home and to where, whenever absent due to military
11 obligation, he or she intends to return.

12 "Military service" means service in the armed forces or
13 armed forces reserves of the United States, or membership in
14 the Illinois National Guard.

15 "Military service member" means a person who is currently
16 in military service or who has separated from military service
17 in the previous 18 months through either retirement or military
18 separation.

19 (b) A dependent, who is a legal resident of the State,
20 having previously been determined to be eligible for
21 developmental disability services provided by the Department
22 of Human Services, including waiver services provided under the
23 home and community based services programs authorized under
24 Section 1915(c) of the Social Security Act, shall retain
25 eligibility for those developmental disability services as
26 long as he or she remains a legal resident of the State,

1 regardless of having left the State due to the military service
2 member's military assignment outside the State, and as long as
3 he or she is otherwise eligible for such services.

4 (c) The Department of Human Services shall permit a
5 dependent who resides out-of-state to be placed on the waiting
6 list for developmental disabilities services if the dependent
7 left the State due to the military service member's military
8 assignment outside the State, is otherwise eligible for those
9 services, and furnishes the following:

10 (1) a copy of the military service member's DD-214 or
11 other equivalent discharge paperwork; and

12 (2) proof of the military service member's legal
13 residence in the State, as prescribed by the Department.

14 (d) For dependents who received developmental disability
15 services and who left the State due to the military service
16 member's military assignment outside the State, upon the
17 dependent's return to the State and when a request for services
18 is made, the Department shall:

19 (1) determine the dependent's eligibility for
20 services, which may include a request for waiver services
21 provided under the home and community based services
22 programs authorized under Section 1915(c) of the Social
23 Security Act;

24 (2) provide to the dependent notification of the
25 determination of eligibility for services, which includes
26 notification of a denial of services if applicable;

1 (3) provide the dependent an opportunity to contest the
2 Department's determination through the appeals processes
3 established by the Department; and

4 (4) resume services if the individual remains
5 eligible.

6 (e) As a condition of continued eligibility for services
7 under subsection (b) of this Section, a dependent must inform
8 the Department of his or her current address and provide
9 updates as requested by the Department.

10 (f) No payment pursuant to this Section shall be made for
11 developmental disability services authorized under the
12 Illinois Title XIX State Plan and provided outside the State
13 unless those services satisfy the conditions specified in 42
14 CFR 431.52. No payment pursuant to this Section shall be made
15 for home and community based services provided outside the
16 State of Illinois.

17 (g) The Department shall request a waiver from the
18 appropriate federal agency if a waiver is necessary to
19 implement the provisions of this Section.

20 (h) The Department may adopt rules necessary to implement
21 the provisions of this Section.

22 (Source: P.A. 98-1000, eff. 8-18-14.)

23 (305 ILCS 5/12-4.48)

24 Sec. 12-4.48 ~~12-4.47~~. Long-Term Services and Supports
25 Disparities Task Force.

1 (a) The Department of Healthcare and Family Services shall
2 establish a Long-Term Services and Supports Disparities Task
3 Force.

4 (b) Members of the Task Force shall be appointed by the
5 Director of the Department of Healthcare and Family Services
6 and shall include representatives of the following agencies,
7 organizations, or groups:

8 (1) The Governor's office.

9 (2) The Department of Healthcare and Family Services.

10 (3) The Department of Human Services.

11 (4) The Department on Aging.

12 (5) The Department of Human Rights.

13 (6) Area Agencies on Aging.

14 (7) The Department of Public Health.

15 (8) Managed Care Plans.

16 (9) The for-profit urban nursing home or assisted
17 living industry.

18 (10) The for-profit rural nursing home or assisted
19 living industry.

20 (11) The not-for-profit nursing home or assisted
21 living industry.

22 (12) The home care association or home care industry.

23 (13) The adult day care association or adult day care
24 industry.

25 (14) An association representing workers who provide
26 long-term services and supports.

1 (15) A representative of providers that serve the
2 predominantly ethnic minority populations.

3 (16) Case Management Organizations.

4 (17) Three consumer representatives which may include
5 a consumer of long-term services and supports or an
6 individual who advocates for such consumers. For purposes
7 of this provision, "consumer representative" means a
8 person who is not an elected official and who has no
9 financial interest in a health or long-term care delivery
10 system.

11 (c) The Task Force shall not meet unless all consumer
12 representative positions are filled. The Task Force shall
13 reflect diversity in race, ethnicity, and gender.

14 (d) The Chair of the Task Force shall be appointed by the
15 Director of the Department of Healthcare and Family Services.

16 (e) The Director of the Department of Healthcare and Family
17 Services shall assign appropriate staff and resources to
18 support the efforts of the Task Force. The Task Force shall
19 meet as often as necessary but not less than 4 times per
20 calendar year.

21 (f) The Task Force shall promote and facilitate
22 communication, coordination, and collaboration among relevant
23 State agencies and communities of color, limited
24 English-speaking communities, and the private and public
25 entities providing services to those communities.

26 (g) The Task Force shall do all of the following:

1 (1) Document the number and types of Long-Term Services
2 and Supports (LTSS) providers in the State and the number
3 of clients served in each setting.

4 (2) Document the number and racial profiles of
5 residents using LTSS, including, but not limited to,
6 residential nursing facilities, assisted living
7 facilities, adult day care, home health services, and other
8 home and community based long-term care services.

9 (3) Document the number and profiles of family or
10 informal caregivers who provide care for minority elders.

11 (4) Compare data over multiple years to identify trends
12 in the delivery of LTSS for each racial or ethnic category
13 including: Alaskan Native or American Indian, Asian or
14 Pacific Islander, black or African American, Hispanic, or
15 white.

16 (5) Identify any racial disparities in the provision of
17 care in various LTSS settings and determine factors that
18 might influence the disparities found.

19 (6) Identify any disparities uniquely experienced in
20 metropolitan or rural areas and make recommendations to
21 address these areas.

22 (7) Assess whether the LTSS industry, including
23 managed care plans and independent providers, is equipped
24 to offer culturally sensitive, competent, and
25 linguistically appropriate care to meet the needs of a
26 diverse aging population and their informal and formal

1 caregivers.

2 (8) Consider whether to recommend that the State
3 require all home and community based services as a
4 condition of licensure to report data similar to that
5 gathered under the Minimum Data Set and required when a new
6 resident is admitted to a nursing home.

7 (9) Identify and prioritize recommendations for
8 actions to be taken by the State to address disparity
9 issues identified in the course of these studies.

10 (10) Monitor the progress of the State in eliminating
11 racial disparities in the delivery of LTSS.

12 (h) The Task Force shall conduct public hearings,
13 inquiries, studies, and other forms of information gathering to
14 identify how the actions of State government contribute to or
15 reduce racial disparities in long-term care settings.

16 (i) The Task Force shall report its findings and
17 recommendations to the Governor and the General Assembly no
18 later than one year after the effective date of this amendatory
19 Act of the 98th General Assembly. Annual reports shall be
20 issued every year thereafter and shall include documentation of
21 progress made to eliminate disparities in long-term care
22 service settings.

23 (Source: P.A. 98-825, eff. 8-1-14; revised 10-14-14.)

24 Section 345. The Adult Protective Services Act is amended
25 by changing Sections 7.5 and 15 as follows:

1 (320 ILCS 20/7.5)

2 Sec. 7.5. Registry.

3 (a) To protect individuals receiving in-home and
4 community-based services, the Department on Aging shall
5 establish an Adult Protective Service Registry that will be
6 hosted by the Department of Public Health on its website
7 effective January 1, 2015, and, if practicable, shall propose
8 rules for the Registry by January 1, 2015.

9 (a-5) The Registry shall identify caregivers against whom a
10 verified and substantiated finding was made under this Act of
11 abuse, neglect, or financial exploitation.

12 The information in the Registry shall be confidential
13 except as specifically authorized in this Act and shall not be
14 deemed a public record.

15 (a-10) Reporting to the Registry. The Department on Aging
16 shall report to the Registry the identity of the caregiver when
17 a verified and substantiated finding of abuse, neglect, or
18 financial exploitation of an eligible adult under this Act is
19 made against a caregiver, and all appeals, challenges, and
20 reviews, if any, have been completed and a finding for
21 placement on the Registry has been sustained or upheld.

22 A finding against a caregiver that is placed in the
23 Registry shall preclude that caregiver from providing direct
24 care, as defined in this Section, in a position with or that is
25 regulated by or paid with public funds from the Department on

1 Aging, the Department of Healthcare and Family Services, the
2 Department of Human Services, or the Department of Public
3 Health or with an entity or provider licensed, certified, or
4 regulated by or paid with public funds from any of these State
5 agencies.

6 (b) Definitions. As used in this Section:

7 "Direct care" includes, but is not limited to, direct
8 access to a person aged 60 or older or to an adult with
9 disabilities aged 18 through 59, his or her living quarters, or
10 his or her personal, financial, or medical records for the
11 purpose of providing nursing care or assistance with feeding,
12 dressing, movement, bathing, toileting, other personal needs
13 and activities of daily living or instrumental activities of
14 daily living, or assistance with financial transactions.

15 "Participant" means an individual who uses the services of
16 an in-home care program funded through the Department on Aging,
17 the Department of Healthcare and Family Services, the
18 Department of Human Services, or the Department of Public
19 Health.

20 (c) Access to and use of the Registry. Access to the
21 Registry shall be limited to the Department on Aging, the
22 Department of Healthcare and Family Services, the Department of
23 Human Services, and the Department of Public Health and
24 providers of direct care as described in subsection (a-10) of
25 this Section. These State agencies and providers shall not
26 hire, compensate either directly or on behalf of a participant,

1 or utilize the services of any person seeking to provide direct
2 care without first conducting an online check of whether the
3 person has been placed on the Registry. These State agencies
4 and providers shall maintain a copy of the results of the
5 online check to demonstrate compliance with this requirement.
6 These State agencies and providers are prohibited from
7 retaining, hiring, compensating either directly or on behalf of
8 a participant, or utilizing the services of a person to provide
9 direct care if the online check of the person reveals a
10 verified and substantiated finding of abuse, neglect, or
11 financial exploitation that has been placed on the Registry or
12 when the State agencies or providers otherwise gain knowledge
13 of such placement on the Registry. Failure to comply with this
14 requirement may subject such a provider to corrective action by
15 the appropriate regulatory agency or other lawful remedies
16 provided under the applicable licensure, certification, or
17 regulatory laws and rules.

18 (d) Notice to caregiver. The Department on Aging shall
19 establish rules concerning notice to the caregiver in cases of
20 a verified and substantiated finding of abuse, neglect, or
21 financial exploitation against him or her that may make him or
22 her eligible for placement on the Registry.

23 (e) Notification to eligible adults, guardians, or agents.
24 As part of its investigation, the Department on Aging shall
25 notify an eligible adult, or an eligible adult's guardian or
26 agent, that his or her caregiver's name may be placed on the

1 Registry based on a finding as described in subsection (a-10)
2 ~~(a)~~ of this Section.

3 (f) Notification to employer. The Department on Aging shall
4 notify the appropriate State agency or provider of direct care,
5 as described in subsection (a-10), when there is a verified and
6 substantiated finding of abuse, neglect, or financial
7 exploitation in a case under this Act that is reported on the
8 Registry and that involves one of its caregivers. That State
9 agency or provider is prohibited from retaining or compensating
10 that individual in a position that involves direct care, and if
11 there is an imminent risk of danger to the victim or an
12 imminent risk of misuse of personal, medical, or financial
13 information, that caregiver shall immediately be barred from
14 providing direct care to the victim pending the outcome of any
15 challenge, appeal, criminal prosecution, or other type of
16 collateral action.

17 (g) Challenges and appeals. The Department on Aging shall
18 establish, by rule, procedures concerning challenges and
19 appeals to placement on the Registry pursuant to legislative
20 intent. The Department shall not make any report to the
21 Registry pending challenges or appeals.

22 (h) Caregiver's rights to collateral action. The
23 Department on Aging shall not make any report to the Registry
24 if a caregiver notifies the Department in writing that he or
25 she is formally challenging an adverse employment action
26 resulting from a verified and substantiated finding of abuse,

1 neglect, or financial exploitation by complaint filed with the
2 Illinois Civil Service Commission, or by another means which
3 seeks to enforce the caregiver's rights pursuant to any
4 applicable collective bargaining agreement. If an action taken
5 by an employer against a caregiver as a result of such a
6 finding is overturned through an action filed with the Illinois
7 Civil Service Commission or under any applicable collective
8 bargaining agreement after that caregiver's name has already
9 been sent to the Registry, the caregiver's name shall be
10 removed from the Registry.

11 (i) Removal from Registry. At any time after a report to
12 the Registry, but no more than once in each successive 3-year
13 period thereafter, for a maximum of 3 such requests, a
14 caregiver may request removal of his or her name from the
15 Registry in relationship to a single incident. The caregiver
16 shall bear the burden of establishing, by a preponderance of
17 the evidence, that removal of his or her name from the Registry
18 is in the public interest. Upon receiving such a request, the
19 Department on Aging shall conduct an investigation and consider
20 any evidentiary material provided. The Department shall issue a
21 decision either granting or denying removal to the caregiver
22 and report it to the Registry. The Department shall, by rule,
23 establish standards and a process for requesting the removal of
24 a name from the Registry.

25 (j) Referral of Registry reports to health care facilities.
26 In the event an eligible adult receiving services from a

1 provider agency changes his or her residence from a domestic
2 living situation to that of a health care or long term care
3 facility, the provider agency shall use reasonable efforts to
4 promptly inform the facility and the appropriate Regional Long
5 Term Care Ombudsman about any Registry reports relating to the
6 eligible adult. For purposes of this Section, a health care or
7 long term care facility includes, but is not limited to, any
8 residential facility licensed, certified, or regulated by the
9 Department of Public Health, Healthcare and Family Services, or
10 Human Services.

11 (k) The Department on Aging and its employees and agents
12 shall have immunity, except for intentional willful and wanton
13 misconduct, from any liability, civil, criminal, or otherwise,
14 for reporting information to and maintaining the Registry.

15 (Source: P.A. 98-49, eff. 1-1-14; 98-756, eff. 7-16-14;
16 98-1039, eff. 8-25-14; revised 10-2-14.)

17 (320 ILCS 20/15)

18 Sec. 15. Fatality Review Teams.

19 (a) State policy.

20 (1) Both the State and the community maintain a
21 commitment to preventing the abuse, neglect, and financial
22 exploitation of at-risk adults. This includes a charge to
23 bring perpetrators of crimes against at-risk adults to
24 justice and prevent untimely deaths in the community.

25 (2) When an at-risk adult dies, the response to the

1 death by the community, law enforcement, and the State must
2 include an accurate and complete determination of the cause
3 of death, and the development and implementation of
4 measures to prevent future deaths from similar causes.

5 (3) Multidisciplinary and multi-agency reviews of
6 deaths can assist the State and counties in developing a
7 greater understanding of the incidence and causes of
8 premature deaths and the methods for preventing those
9 deaths, improving methods for investigating deaths, and
10 identifying gaps in services to at-risk adults.

11 (4) Access to information regarding the deceased
12 person and his or her family by multidisciplinary and
13 multi-agency fatality review teams is necessary in order to
14 fulfill their purposes and duties.

15 (a-5) Definitions. As used in this Section:

16 "Advisory Council" means the Illinois Fatality Review
17 Team Advisory Council.

18 "Review Team" means a regional interagency fatality
19 review team.

20 (b) The Director, in consultation with the Advisory
21 Council, law enforcement, and other professionals who work in
22 the fields of investigating, treating, or preventing abuse or
23 neglect of at-risk adults, shall appoint members to a minimum
24 of one review team in each of the Department's planning and
25 service areas. Each member of a review team shall be appointed
26 for a 2-year term and shall be eligible for reappointment upon

1 the expiration of the term. A review team's purpose in
2 conducting review of at-risk adult deaths is: (i) to assist
3 local agencies in identifying and reviewing suspicious deaths
4 of adult victims of alleged, suspected, or substantiated abuse
5 or neglect in domestic living situations; (ii) to facilitate
6 communications between officials responsible for autopsies and
7 inquests and persons involved in reporting or investigating
8 alleged or suspected cases of abuse, neglect, or financial
9 exploitation of at-risk adults and persons involved in
10 providing services to at-risk adults; (iii) to evaluate means
11 by which the death might have been prevented; and (iv) to
12 report its findings to the appropriate agencies and the
13 Advisory Council and make recommendations that may help to
14 reduce the number of at-risk adult deaths caused by abuse and
15 neglect and that may help to improve the investigations of
16 deaths of at-risk adults and increase prosecutions, if
17 appropriate.

18 (b-5) Each such team shall be composed of representatives
19 of entities and individuals including, but not limited to:

- 20 (1) the Department on Aging;
- 21 (2) coroners or medical examiners (or both);
- 22 (3) State's Attorneys;
- 23 (4) local police departments;
- 24 (5) forensic units;
- 25 (6) local health departments;
- 26 (7) a social service or health care agency that

1 provides services to persons with mental illness, in a
2 program whose accreditation to provide such services is
3 recognized by the Division of Mental Health within the
4 Department of Human Services;

5 (8) a social service or health care agency that
6 provides services to persons with developmental
7 disabilities, in a program whose accreditation to provide
8 such services is recognized by the Division of
9 Developmental Disabilities within the Department of Human
10 Services;

11 (9) a local hospital, trauma center, or provider of
12 emergency medicine;

13 (10) providers of services for eligible adults in
14 domestic living situations; and

15 (11) a physician, psychiatrist, or other health care
16 provider knowledgeable about abuse and neglect of at-risk
17 adults.

18 (c) A review team shall review cases of deaths of at-risk
19 adults occurring in its planning and service area (i) involving
20 blunt force trauma or an undetermined manner or suspicious
21 cause of death;IT (ii) if requested by the deceased's attending
22 physician or an emergency room physician;IT (iii) upon referral
23 by a health care provider;IT (iv) upon referral by a coroner or
24 medical examiner;IT (v) constituting an open or closed case from
25 an adult protective services agency, law enforcement agency,
26 State's Attorney's office, or the Department of Human Services'

1 Office of the Inspector General that involves alleged or
2 suspected abuse, neglect, or financial exploitation; or (vi)
3 upon referral by a law enforcement agency or State's Attorney's
4 office. If such a death occurs in a planning and service area
5 where a review team has not yet been established, the Director
6 shall request that the Advisory Council or another review team
7 review that death. A team may also review deaths of at-risk
8 adults if the alleged abuse or neglect occurred while the
9 person was residing in a domestic living situation.

10 A review team shall meet not less than 6 times a year to
11 discuss cases for its possible review. Each review team, with
12 the advice and consent of the Department, shall establish
13 criteria to be used in discussing cases of alleged, suspected,
14 or substantiated abuse or neglect for review and shall conduct
15 its activities in accordance with any applicable policies and
16 procedures established by the Department.

17 (c-5) The Illinois Fatality Review Team Advisory Council,
18 consisting of one member from each review team in Illinois,
19 shall be the coordinating and oversight body for review teams
20 and activities in Illinois. The Director may appoint to the
21 Advisory Council any ex-officio members deemed necessary.
22 Persons with expertise needed by the Advisory Council may be
23 invited to meetings. The Advisory Council must select from its
24 members a chairperson and a vice-chairperson, each to serve a
25 2-year term. The chairperson or vice-chairperson may be
26 selected to serve additional, subsequent terms. The Advisory

1 Council must meet at least 4 times during each calendar year.

2 The Department may provide or arrange for the staff support
3 necessary for the Advisory Council to carry out its duties. The
4 Director, in cooperation and consultation with the Advisory
5 Council, shall appoint, reappoint, and remove review team
6 members.

7 The Advisory Council has, but is not limited to, the
8 following duties:

9 (1) To serve as the voice of review teams in Illinois.

10 (2) To oversee the review teams in order to ensure that
11 the review teams' work is coordinated and in compliance
12 with State statutes and the operating protocol.

13 (3) To ensure that the data, results, findings, and
14 recommendations of the review teams are adequately used in
15 a timely manner to make any necessary changes to the
16 policies, procedures, and State statutes in order to
17 protect at-risk adults.

18 (4) To collaborate with the Department in order to
19 develop any legislation needed to prevent unnecessary
20 deaths of at-risk adults.

21 (5) To ensure that the review teams' review processes
22 are standardized in order to convey data, findings, and
23 recommendations in a usable format.

24 (6) To serve as a link with review teams throughout the
25 country and to participate in national review team
26 activities.

1 (7) To provide the review teams with the most current
2 information and practices concerning at-risk adult death
3 review and related topics.

4 (8) To perform any other functions necessary to enhance
5 the capability of the review teams to reduce and prevent
6 at-risk adult fatalities.

7 The Advisory Council may prepare an annual report, in
8 consultation with the Department, using aggregate data
9 gathered by review teams and using the review teams'
10 recommendations to develop education, prevention, prosecution,
11 or other strategies designed to improve the coordination of
12 services for at-risk adults and their families.

13 In any instance where a review team does not operate in
14 accordance with established protocol, the Director, in
15 consultation and cooperation with the Advisory Council, must
16 take any necessary actions to bring the review team into
17 compliance with the protocol.

18 (d) Any document or oral or written communication shared
19 within or produced by the review team relating to a case
20 discussed or reviewed by the review team is confidential and is
21 not admissible as evidence in any civil or criminal proceeding,
22 except for use by a State's Attorney's office in prosecuting a
23 criminal case against a caregiver. Those records and
24 information are, however, subject to discovery or subpoena, and
25 are admissible as evidence, to the extent they are otherwise
26 available to the public.

1 Any document or oral or written communication provided to a
2 review team by an individual or entity, and created by that
3 individual or entity solely for the use of the review team, is
4 confidential, is not subject to disclosure to or discoverable
5 by another party, and is not admissible as evidence in any
6 civil or criminal proceeding, except for use by a State's
7 Attorney's office in prosecuting a criminal case against a
8 caregiver. Those records and information are, however, subject
9 to discovery or subpoena, and are admissible as evidence, to
10 the extent they are otherwise available to the public.

11 Each entity or individual represented on the fatality
12 review team may share with other members of the team
13 information in the entity's or individual's possession
14 concerning the decedent who is the subject of the review or
15 concerning any person who was in contact with the decedent, as
16 well as any other information deemed by the entity or
17 individual to be pertinent to the review. Any such information
18 shared by an entity or individual with other members of the
19 review team is confidential. The intent of this paragraph is to
20 permit the disclosure to members of the review team of any
21 information deemed confidential or privileged or prohibited
22 from disclosure by any other provision of law. Release of
23 confidential communication between domestic violence advocates
24 and a domestic violence victim shall follow subsection (d) of
25 Section 227 of the Illinois Domestic Violence Act of 1986 which
26 allows for the waiver of privilege afforded to guardians,

1 executors, or administrators of the estate of the domestic
2 violence victim. This provision relating to the release of
3 confidential communication between domestic violence advocates
4 and a domestic violence victim shall exclude adult protective
5 service providers.

6 A coroner's or medical examiner's office may share with the
7 review team medical records that have been made available to
8 the coroner's or medical examiner's office in connection with
9 that office's investigation of a death.

10 Members of a review team and the Advisory Council are not
11 subject to examination, in any civil or criminal proceeding,
12 concerning information presented to members of the review team
13 or the Advisory Council or opinions formed by members of the
14 review team or the Advisory Council based on that information.
15 A person may, however, be examined concerning information
16 provided to a review team or the Advisory Council.

17 (d-5) Meetings of the review teams and the Advisory Council
18 may be closed to the public under the Open Meetings Act.
19 Records and information provided to a review team and the
20 Advisory Council, and records maintained by a team or the
21 Advisory Council, are exempt from release under the Freedom of
22 Information Act.

23 (e) A review team's recommendation in relation to a case
24 discussed or reviewed by the review team, including, but not
25 limited to, a recommendation concerning an investigation or
26 prosecution, may be disclosed by the review team upon the

1 completion of its review and at the discretion of a majority of
2 its members who reviewed the case.

3 (e-5) The State shall indemnify and hold harmless members
4 of a review team and the Advisory Council for all their acts,
5 omissions, decisions, or other conduct arising out of the scope
6 of their service on the review team or Advisory Council, except
7 those involving willful or wanton misconduct. The method of
8 providing indemnification shall be as provided in the State
9 Employee Indemnification Act.

10 (f) The Department, in consultation with coroners, medical
11 examiners, and law enforcement agencies, shall use aggregate
12 data gathered by and recommendations from the Advisory Council
13 and the review teams to create an annual report and may use
14 those data and recommendations to develop education,
15 prevention, prosecution, or other strategies designed to
16 improve the coordination of services for at-risk adults and
17 their families. The Department or other State or county agency,
18 in consultation with coroners, medical examiners, and law
19 enforcement agencies, also may use aggregate data gathered by
20 the review teams to create a database of at-risk individuals.

21 (g) The Department shall adopt such rules and regulations
22 as it deems necessary to implement this Section.

23 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
24 revised 11-26-14.)

25 Section 350. The Abused and Neglected Child Reporting Act

1 is amended by changing Sections 7.8 and 7.14 as follows:

2 (325 ILCS 5/7.8) (from Ch. 23, par. 2057.8)

3 Sec. 7.8. Upon receiving an oral or written report of
4 suspected child abuse or neglect, the Department shall
5 immediately notify, either orally or electronically, the Child
6 Protective Service Unit of a previous report concerning a
7 subject of the present report or other pertinent information.
8 In addition, upon satisfactory identification procedures, to
9 be established by Department regulation, any person authorized
10 to have access to records under Section 11.1 relating to child
11 abuse and neglect may request and shall be immediately provided
12 the information requested in accordance with this Act. However,
13 no information shall be released unless it prominently states
14 the report is "indicated", and only information from
15 "indicated" reports shall be released, except that information
16 concerning pending reports may be released pursuant to Sections
17 7.14 and 7.22 of this Act to the attorney or guardian ad litem
18 appointed under Section 2-17 of the Juvenile Court Act of 1987
19 and to any person authorized under paragraphs (1), (2), (3) and
20 (11) of Section 11.1. In addition, State's Attorneys are
21 authorized to receive unfounded reports for prosecution
22 purposes related to the transmission of false reports of child
23 abuse or neglect in violation of subsection (a), paragraph (7)
24 of Section 26-1 of the Criminal Code of 2012 and attorneys and
25 guardians ad litem appointed under Article II of the Juvenile

1 Court Act of 1987 shall receive the reports set forth in
2 Section 7.14 of this Act in conformance with paragraph (19) of
3 Section 11.1 and Section 7.14 of this Act. The names and other
4 identifying data and the dates and the circumstances of any
5 persons requesting or receiving information from the central
6 register shall be entered in the register record.

7 (Source: P.A. 97-1150, eff. 1-25-13; 98-807, eff. 8-1-14;
8 revised 11-25-14.)

9 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

10 Sec. 7.14. All reports in the central register shall be
11 classified in one of three categories: "indicated",
12 "unfounded" or "undetermined", as the case may be. Prior to
13 classifying the report, the person making the classification
14 shall determine whether the child named in the report is the
15 subject of an action under Article II of the Juvenile Court Act
16 of 1987. If the child is the subject of an action under Article
17 II of the Juvenile Court Act of 1987 and the Department intends
18 to classify the report as indicated, the Department shall,
19 within 45 days of classification of the report, transmit a copy
20 of the report to the attorney or guardian ad litem appointed
21 for the child under Section 2-17 of the Juvenile Court Act of
22 1987. If the child is the subject of an action under Article II
23 of the Juvenile Court Act of 1987 and the Department intends to
24 classify the report as unfounded, the Department shall, within
25 45 days of deciding its intent to classify the report as

1 unfounded, transmit a copy of the report and written notice of
2 the Department's intent to the attorney or guardian ad litem
3 appointed for the child under Section 2-17 of the Juvenile
4 Court Act of 1987. All information identifying the subjects of
5 an unfounded report shall be expunged from the register
6 forthwith, except as provided in Section 7.7. Unfounded reports
7 may only be made available to the Child Protective Service Unit
8 when investigating a subsequent report of suspected abuse or
9 maltreatment involving a child named in the unfounded report;
10 and to the subject of the report, provided the Department has
11 not expunged the file in accordance with Section 7.7. The Child
12 Protective Service Unit shall not indicate the subsequent
13 report solely based upon the existence of the prior unfounded
14 report or reports. Notwithstanding any other provision of law
15 to the contrary, an unfounded report shall not be admissible in
16 any judicial or administrative proceeding or action.
17 Identifying information on all other records shall be removed
18 from the register no later than 5 years after the report is
19 indicated. However, if another report is received involving the
20 same child, his sibling or offspring, or a child in the care of
21 the persons responsible for the child's welfare, or involving
22 the same alleged offender, the identifying information may be
23 maintained in the register until 5 years after the subsequent
24 case or report is closed.

25 Notwithstanding any other provision of this Section,
26 identifying information in indicated reports involving serious

1 physical injury to a child as defined by the Department in
2 rules, may be retained longer than 5 years after the report is
3 indicated or after the subsequent case or report is closed, and
4 may not be removed from the register except as provided by the
5 Department in rules. Identifying information in indicated
6 reports involving sexual penetration of a child, sexual
7 molestation of a child, sexual exploitation of a child, torture
8 of a child, or the death of a child, as defined by the
9 Department in rules, shall be retained for a period of not less
10 than 50 years after the report is indicated or after the
11 subsequent case or report is closed.

12 For purposes of this Section "child" includes an adult
13 resident as defined in this Act.

14 (Source: P.A. 97-333, eff. 8-12-11; 98-453, eff. 8-16-13;
15 98-807, eff. 8-1-14; revised 11-25-14.)

16 Section 355. The Lead Poisoning Prevention Act is amended
17 by changing Sections 4, 5, 6.2, 7.2, 9.4, and 10 as follows:

18 (410 ILCS 45/4) (from Ch. 111 1/2, par. 1304)

19 Sec. 4. Sale of items containing lead-bearing substance. No
20 person shall sell, have, offer for sale, or transfer toys,
21 furniture, clothing, accessories, jewelry, decorative objects,
22 edible items, candy, food, dietary supplements, or other
23 articles used by or intended to be chewable by children that
24 contain ~~contains~~ a lead-bearing substance.

1 (Source: P.A. 98-690, eff. 1-1-15; revised 12-10-14.)

2 (410 ILCS 45/5) (from Ch. 111 1/2, par. 1305)

3 Sec. 5. Sale of objects containing lead-bearing substance.
4 No person shall sell or transfer or offer for sale or transfer
5 any fixtures or other objects intended to be used, installed,
6 or located in or upon any surface of a regulated facility~~7~~ that
7 contain ~~contains~~ a lead-bearing substance and that, in the
8 ordinary course of use, are accessible to or chewable by
9 children.

10 (Source: P.A. 98-690, eff. 1-1-15; revised 12-10-14.)

11 (410 ILCS 45/6.2) (from Ch. 111 1/2, par. 1306.2)

12 Sec. 6.2. Testing children and pregnant persons.

13 (a) Any physician licensed to practice medicine in all its
14 branches or health care provider who sees or treats children 6
15 years of age or younger shall test those children for lead
16 poisoning when those children reside in an area defined as high
17 risk by the Department. Children residing in areas defined as
18 low risk by the Department shall be evaluated for risk by the
19 Childhood Lead Risk Questionnaire developed by the Department
20 and tested if indicated. Children shall be evaluated in
21 accordance with rules adopted by the Department.

22 (b) Each licensed, registered, or approved health care
23 facility serving children 6 years of age or younger, including,
24 but not limited to, health departments, hospitals, clinics, and

1 health maintenance organizations approved, registered, or
2 licensed by the Department, shall take the appropriate steps to
3 ensure that children 6 years of age or younger be evaluated for
4 risk or tested for lead poisoning or both.

5 (c) Children 7 years and older and pregnant persons may
6 also be tested by physicians or health care providers, in
7 accordance with rules adopted by the Department. Physicians and
8 health care providers shall also evaluate children for lead
9 poisoning in conjunction with the school health examination, as
10 required under the School Code, when, in the medical judgement
11 of the physician, advanced practice nurse who has a written
12 collaborative agreement with a collaborating physician that
13 authorizes the advance practice nurse to perform health
14 examinations, or physician assistant who has been delegated to
15 perform health examinations by the supervising physician, the
16 child is potentially at high risk of lead poisoning.

17 (d) (Blank).

18 (Source: P.A. 98-690, eff. 1-1-15; revised 12-10-14.)

19 (410 ILCS 45/7.2) (from Ch. 111 1/2, par. 1307.2)

20 Sec. 7.2. Fees; reimbursement; Lead Poisoning Screening,
21 Prevention, and Abatement Fund.

22 (a) The Department may establish fees according to a
23 reasonable fee structure to cover the cost of providing a
24 testing service for laboratory analysis of blood lead tests and
25 any necessary follow-up. Fees collected from the Department's

1 testing service shall be placed in a special fund in the State
2 treasury known as the Lead Poisoning Screening, Prevention, and
3 Abatement Fund. Other State and federal funds for expenses
4 related to lead poisoning screening, follow-up, treatment, and
5 abatement programs may also be placed in the Fund. Moneys shall
6 be appropriated from the Fund to the Department for the
7 implementation and enforcement of this Act.

8 (b) The Department shall certify, as required by the
9 Department of Healthcare and Family Services, any
10 non-reimbursed public expenditures for all approved lead
11 testing and evaluation activities for Medicaid-eligible
12 children expended by the Department from the non-federal
13 portion of funds, including, but not limited to, assessment of
14 home, physical, and family environments; comprehensive
15 environmental lead investigation; and laboratory services for
16 Medicaid-eligible children. The Department of Healthcare and
17 Family Services shall provide appropriate Current Procedural
18 Terminology (CPT) Codes for all billable services and claim
19 federal financial participation for the properly certified
20 public expenditures submitted to it by the Department. Any
21 federal financial participation revenue received pursuant to
22 this Act shall be deposited in the Lead Poisoning Screening,
23 Prevention, and Abatement Fund.

24 (c) Any delegate agency may establish fees, according to a
25 reasonable fee structure, to cover the costs of drawing blood
26 for blood lead testing and evaluation and any necessary

1 follow-up.

2 (Source: P.A. 98-690, eff. 1-1-15; revised 12-10-14.)

3 (410 ILCS 45/9.4)

4 Sec. 9.4. Owner's obligation to post notice. The owner of a
5 regulated facility who has received a mitigation notice under
6 Section 9 of this Act shall post notices at all entrances to
7 the regulated facility specifying the identified lead hazards.
8 The posted notices, drafted by the Department and sent to the
9 property owner with the notification of lead hazards, shall
10 indicate the following:

11 (1) that a unit or units in the building have been
12 found to have lead hazards;

13 (2) that other units in the building may have lead
14 hazards;

15 (3) that the Department recommends that children 6
16 years of age or younger receive a blood lead testing;

17 (4) where to seek further information; and

18 (5) whether 2 or more mitigation notices have been
19 issued for the regulated facility within a 5-year period of
20 time.

21 Once the owner has complied with a mitigation notice or
22 mitigation order issued by the Department, the owner may remove
23 the notices posted pursuant to this Section.

24 (Source: P.A. 98-690, eff. 1-1-15; revised 12-10-14.)

1 (410 ILCS 45/10) (from Ch. 111 1/2, par. 1310)

2 Sec. 10. The Department, or representative of a unit of
3 local government or health department approved by the
4 Department for this purpose, shall report any violation of this
5 Act to the State's Attorney of the county in which the
6 regulated facility is located. The State's Attorney has the
7 authority to charge the owner with a Class A misdemeanor, and
8 ~~who~~ shall take additional measures to ensure that rent is
9 withheld from the owner by the occupants of the dwelling units
10 affected, until the mitigation requirements under Section 9 of
11 this Act are complied with.

12 No tenant shall be evicted because rent is withheld under
13 the provisions of this Act, or because of any action required
14 of the owner of the regulated facility as a result of
15 enforcement of this Act.

16 (Source: P.A. 98-690, eff. 1-1-15; revised 12-10-14.)

17 Section 360. The AIDS Confidentiality Act is amended by
18 changing Sections 9 and 9.7 as follows:

19 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

20 Sec. 9. (1) No person may disclose or be compelled to
21 disclose HIV-related information, except to the following
22 persons:

23 (a) The subject of an HIV test or the subject's legally
24 authorized representative. A physician may notify the

1 spouse of the test subject, if the test result is positive
2 and has been confirmed pursuant to rules adopted by the
3 Department, provided that the physician has first sought
4 unsuccessfully to persuade the patient to notify the spouse
5 or that, a reasonable time after the patient has agreed to
6 make the notification, the physician has reason to believe
7 that the patient has not provided the notification. This
8 paragraph shall not create a duty or obligation under which
9 a physician must notify the spouse of the test results, nor
10 shall such duty or obligation be implied. No civil
11 liability or criminal sanction under this Act shall be
12 imposed for any disclosure or non-disclosure of a test
13 result to a spouse by a physician acting in good faith
14 under this paragraph. For the purpose of any proceedings,
15 civil or criminal, the good faith of any physician acting
16 under this paragraph shall be presumed.

17 (b) Any person designated in a legally effective
18 authorization for release of the HIV-related information
19 executed by the subject of the HIV-related information or
20 the subject's legally authorized representative.

21 (c) An authorized agent or employee of a health
22 facility or health care provider if the health facility or
23 health care provider itself is authorized to obtain the
24 test results, the agent or employee provides patient care
25 or handles or processes specimens of body fluids or
26 tissues, and the agent or employee has a need to know such

1 information.

2 (d) The Department and local health authorities
3 serving a population of over 1,000,000 residents or other
4 local health authorities as designated by the Department,
5 in accordance with rules for reporting, preventing, and
6 controlling the spread of disease and the conduct of public
7 health surveillance, public health investigations, and
8 public health interventions, as otherwise provided by
9 State law. The Department, local health authorities, and
10 authorized representatives shall not disclose HIV test
11 results and HIV-related information, publicly or in any
12 action of any kind in any court or before any tribunal,
13 board, or agency. HIV test results and HIV-related
14 information shall be protected from disclosure in
15 accordance with the provisions of Sections 8-2101 through
16 8-2105 of the Code of Civil Procedure.

17 (e) A health facility, health care provider, or health
18 care professional which procures, processes, distributes
19 or uses: (i) a human body part from a deceased person with
20 respect to medical information regarding that person; or
21 (ii) semen provided prior to the effective date of this Act
22 for the purpose of artificial insemination.

23 (f) Health facility staff committees for the purposes
24 of conducting program monitoring, program evaluation or
25 service reviews.

26 (f-5) A court in accordance with the provisions of

1 Section 12-5.01 of the Criminal Code of 2012.

2 (g) (Blank).

3 (h) Any health care provider, health care
4 professional, or employee of a health facility, and any
5 firefighter or EMR, EMT, A-EMT, paramedic, PHRN, or EMT-I,
6 involved in an accidental direct skin or mucous membrane
7 contact with the blood or bodily fluids of an individual
8 which is of a nature that may transmit HIV, as determined
9 by a physician in his medical judgment.

10 (i) Any law enforcement officer, as defined in
11 subsection (c) of Section 7, involved in the line of duty
12 in a direct skin or mucous membrane contact with the blood
13 or bodily fluids of an individual which is of a nature that
14 may transmit HIV, as determined by a physician in his
15 medical judgment.

16 (j) A temporary caretaker of a child taken into
17 temporary protective custody by the Department of Children
18 and Family Services pursuant to Section 5 of the Abused and
19 Neglected Child Reporting Act, as now or hereafter amended.

20 (k) In the case of a minor under 18 years of age whose
21 test result is positive and has been confirmed pursuant to
22 rules adopted by the Department, the health care
23 professional who ordered the test shall make a reasonable
24 effort to notify the minor's parent or legal guardian if,
25 in the professional judgment of the health care
26 professional, notification would be in the best interest of

1 the child and the health care professional has first sought
2 unsuccessfully to persuade the minor to notify the parent
3 or legal guardian or a reasonable time after the minor has
4 agreed to notify the parent or legal guardian, the health
5 care professional has reason to believe that the minor has
6 not made the notification. This subsection shall not create
7 a duty or obligation under which a health care professional
8 must notify the minor's parent or legal guardian of the
9 test results, nor shall a duty or obligation be implied. No
10 civil liability or criminal sanction under this Act shall
11 be imposed for any notification or non-notification of a
12 minor's test result by a health care professional acting in
13 good faith under this subsection. For the purpose of any
14 proceeding, civil or criminal, the good faith of any health
15 care professional acting under this subsection shall be
16 presumed.

17 (2) All information and records held by a State agency,
18 local health authority, or health oversight agency pertaining
19 to HIV-related information shall be strictly confidential and
20 exempt from copying and inspection under the Freedom of
21 Information Act. The information and records shall not be
22 released or made public by the State agency, local health
23 authority, or health oversight agency, shall not be admissible
24 as evidence nor discoverable in any action of any kind in any
25 court or before any tribunal, board, agency, or person, and
26 shall be treated in the same manner as the information and

1 those records subject to the provisions of Part 21 of Article
2 VIII of the Code of Civil Procedure, except under the following
3 circumstances:

4 (A) when made with the written consent of all persons
5 to whom the information pertains; or

6 (B) when authorized by Section 5-4-3 of the Unified
7 Code of Corrections.

8 Disclosure shall be limited to those who have a need to
9 know the information, and no additional disclosures may be
10 made.

11 (Source: P.A. 97-1046, eff. 8-21-12; 97-1150, eff. 1-25-13;
12 98-973, eff. 8-15-14; 98-1046, eff. 1-1-15; revised 10-1-14.)

13 (410 ILCS 305/9.7)

14 Sec. 9.7. Record locator service to support HIE. Section
15 9.9 of the Mental Health and Developmental Disabilities ~~and~~
16 Confidentiality Act is herein incorporated by reference.

17 (Source: P.A. 98-1046, eff. 1-1-15; revised 11-26-14.)

18 Section 365. The Health Care Professional Credentials Data
19 Collection Act is amended by changing Section 51 as follows:

20 (410 ILCS 517/51)

21 Sec. 51. Licensure records. Licensure records designated
22 confidential and considered expunged for reporting purposes by
23 the licensee under Section 2105-207 of the Civil Administrative

1 Code of Illinois are not reportable under this Act.

2 (Source: P.A. 98-816, eff. 8-1-14; revised 12-10-14.)

3 Section 370. The Illinois Food, Drug and Cosmetic Act is
4 amended by changing Section 3.21 as follows:

5 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

6 Sec. 3.21. Except as authorized by this Act, the Illinois
7 Controlled Substances Act, the Pharmacy Practice Act, the
8 Dental Practice Act, the Medical Practice Act of 1987, the
9 Veterinary Medicine and Surgery Practice Act of 2004, the
10 Podiatric Medical Practice Act of 1987, or Section 22-30 of the
11 School Code, to sell or dispense a prescription drug without a
12 prescription.

13 (Source: P.A. 97-361, eff. 8-15-11; revised 11-26-14.)

14 Section 375. The Food Handling Regulation Enforcement Act
15 is amended by changing Section 3.06 and setting forth and
16 renumbering multiple versions of Section 3.4 as follows:

17 (410 ILCS 625/3.06)

18 Sec. 3.06. Food handler training; restaurants.

19 (a) For the purpose of this Section, "restaurant" means any
20 business that is primarily engaged in the sale of ready-to-eat
21 food for immediate consumption. "Primarily engaged" means
22 having sales of ready-to-eat food for immediate consumption

1 comprising at least 51% of the total sales, excluding the sale
2 of liquor.

3 (b) Unless otherwise provided, all food handlers employed
4 by a restaurant, other than someone holding a food service
5 sanitation manager certificate, must receive or obtain
6 American National Standards Institute-accredited training in
7 basic safe food handling principles within 30 days after
8 employment and every 3 years thereafter. Notwithstanding the
9 provisions of Section 3.05 of this Act, food handlers employed
10 in nursing homes, licensed day care homes and facilities,
11 hospitals, schools, and long-term care facilities must renew
12 their training every 3 years. There is no limit to how many
13 times an employee may take the training. The training indicated
14 in subsections (e) and (f) of this Section is transferable
15 between employers, but not individuals. The training indicated
16 in subsections (c) and (d) of this Section is not transferable
17 between individuals or employers. Proof that a food handler has
18 been trained must be available upon reasonable request by a
19 State or local health department inspector and may be provided
20 electronically.

21 (c) If a business with an internal training program is
22 approved in another state prior to the effective date of this
23 amendatory Act of the 98th General Assembly, then the
24 business's training program and assessment shall be
25 automatically approved by the Department upon the business
26 providing proof that the program is approved in said state.

1 (d) The Department shall approve the training program of
2 any multi-state business with a plan that follows the
3 guidelines in subsection (b) of Section 3.05 of this Act and is
4 on file with the Department by May 15, 2013.

5 (e) If an entity uses an American National Standards
6 Institute food handler training accredited program, that
7 training program shall be automatically approved by the
8 Department.

9 (f) Certified local health departments in counties serving
10 jurisdictions with a population of 100,000 or less, as reported
11 by the U.S. Census Bureau in the 2010 Census of Population, may
12 have a training program. The training program must meet the
13 requirements of Section 3.05(b) and be approved by the
14 Department. This Section notwithstanding, certified local
15 health departments in the following counties may have a
16 training program:

17 (1) a county with a population of 677,560 as reported
18 by the U.S. Census Bureau in the 2010 Census of Population;

19 (2) a county with a population of 308,760 as reported
20 by the U.S. Census Bureau in the 2010 Census of Population;

21 (3) a county with a population of 515,269 as reported
22 by the U.S. Census Bureau in the 2010 Census of Population;

23 (4) a county with a population of 114,736 as reported
24 by the U.S. Census Bureau in the 2010 Census of Population;

25 (5) a county with a population of 110,768 as reported
26 by the U.S. Census Bureau in the 2010 Census of Population;

1 (6) a county with a population of 135,394 as reported
2 by the U.S. Census Bureau in the 2010 Census of Population.

3 The certified local health departments in paragraphs (1)
4 through (6) of this subsection (f) must have their training
5 programs ~~program~~ on file with the Department no later than 90
6 days after the effective date of this Act. Any modules that
7 meet the requirements of subsection (b) of Section 3.05 of this
8 Act and are not approved within 180 days after the Department's
9 receipt of the application of the entity seeking to conduct the
10 training shall automatically be considered approved by the
11 Department.

12 (g) Any and all documents, materials, or information
13 related to a restaurant or business food handler training
14 module submitted to the Department is confidential and shall
15 not be open to public inspection or dissemination and is exempt
16 from disclosure under Section 7 of the Freedom of Information
17 Act. Training may be conducted by any means available,
18 including, but not limited to, on-line, computer, classroom,
19 live trainers, remote trainers, and certified food service
20 sanitation managers. There must be at least one commercially
21 available, approved food handler training module at a cost of
22 no more than \$15 per employee; if an approved food handler
23 training module is not available at that cost, then the
24 provisions of this Section 3.06 shall not apply.

25 (h) The regulation of food handler training is considered
26 to be an exclusive function of the State, and local regulation

1 is prohibited. This subsection (h) is a denial and limitation
2 of home rule powers and functions under subsection (h) of
3 Section 6 of Article VII of the Illinois Constitution.

4 (i) The provisions of this Section apply beginning July 1,
5 2014. From July 1, 2014 through December 31, 2014, enforcement
6 of the provisions of this Section shall be limited to education
7 and notification of requirements to encourage compliance.

8 (Source: P.A. 98-566, eff. 8-27-13; revised 12-10-14.)

9 (410 ILCS 625/3.4)

10 Sec. 3.4. Product samples.

11 (a) For the purpose of this Section, "food product
12 sampling" means food product samples distributed free of charge
13 for promotional or educational purposes only.

14 (b) Notwithstanding any other provision of law, except as
15 provided in subsection (c) of this Section, a vendor who
16 engages in food product sampling at a farmers' market may do so
17 without obtaining a State or local permit to provide those food
18 product samples, provided the vendor complies with the State
19 and local permit requirements to sell the food product to be
20 sampled and with the food preparation, food handling, food
21 storage, and food sampling requirements specified in the
22 administrative rules adopted by the Department to implement
23 Section 3.3 and Section 3.4 of this Act.

24 The Department of Public Health is instructed to work with
25 the Farmers' Market Task Force as created in Section 3.3 of

1 this Act to establish a food sampling at farmers' market
2 training and certification program to fulfill this
3 requirement. The Department shall adopt rules for the food
4 sampling training and certification program and product
5 sampling requirements at farmers' markets in accordance with
6 subsection (j) of Section 3.3. The Department may charge a
7 reasonable fee for the training and certification program. The
8 Department may delegate or contract authority to administer the
9 food sampling training to other qualified public and private
10 entities.

11 (c) Notwithstanding the provisions of subsection (b) of
12 this Section, the Department of Public Health, the Department
13 of Agriculture, a local municipal health department, or a
14 certified local health department may inspect a vendor at a
15 farmers' market to ensure compliance with the provisions in
16 this Section. If an imminent health hazard exists or a vendor's
17 product has been found to be misbranded, adulterated, or not in
18 compliance with the permit exemption for vendors pursuant to
19 this Section, then the regulatory authority may invoke
20 cessation of sales until it deems that the situation has been
21 addressed.

22 (Source: P.A. 98-660, eff. 6-23-14.)

23 (410 ILCS 625/3.6)

24 Sec. 3.6 ~~3.4~~. Home kitchen operation.

25 (a) For the purpose of this Section, "home kitchen

1 operation" means a person who produces or packages
2 non-potentially hazardous food in a kitchen of that person's
3 primary domestic residence for direct sale by the owner or a
4 family member, or for sale by a religious, charitable, or
5 nonprofit organization, stored in the residence where the food
6 is made. The following conditions must be met in order to
7 qualify as a home kitchen operation:

8 (1) Monthly gross sales do not exceed \$1,000.

9 (2) The food is not a potentially hazardous baked food,
10 as defined in Section 4 of this Act.

11 (3) A notice is provided to the purchaser that the
12 product was produced in a home kitchen.

13 (b) The Department of Public Health or the health
14 department of a unit of local government may inspect a home
15 kitchen operation in the event of a complaint or disease
16 outbreak.

17 (c) This Section applies only to a home kitchen operation
18 located in a municipality, township, or county where the local
19 governing body has adopted an ordinance authorizing the direct
20 sale of baked goods as described in Section 4 of this Act.

21 (Source: P.A. 98-643, eff. 6-10-14; revised 10-20-14.)

22 Section 380. The Public Water Supply Operations Act is
23 amended by changing Sections 1 and 13 as follows:

24 (415 ILCS 45/1) (from Ch. 111 1/2, par. 501)

1 Sec. 1. (1) In order to safeguard the health and well-being
2 of the populace, every community water supply in Illinois,
3 other than an exempt community water supply as specified in
4 Section 9.1, shall have on its operational staff, and shall
5 designate to the Agency in writing, either (i) one Responsible
6 Operator in Charge who directly supervises both the treatment
7 and distribution facilities of the community water supply or
8 (ii) one Responsible Operator in Charge who directly supervises
9 the treatment facilities of the community water supply and one
10 Responsible Operator in Charge who directly supervises the
11 distribution facilities of the community water supply.

12 Except for exempt community water supplies as specified in
13 Section 9.1 of this Act, all portions of a community water
14 supply system shall be under the direct supervision of a
15 Responsible Operator in Charge.

16 (2) The following class requirements apply:

17 (a) Each Class A community water supply shall have in
18 its employ at least one individual certified as competent
19 as a Class A community water supply operator.

20 (b) Each Class B community water supply shall have in
21 its employ at least one individual certified as competent
22 as a Class B or Class A community water supply operator.

23 (c) Each Class C community water supply shall have in
24 its employ at least one individual certified as competent
25 as a Class C, Class B, or Class A community water supply
26 operator.

1 (d) Each Class D community water supply shall have in
2 its employ at least one individual certified as competent
3 as a Class D, Class C, Class B, or Class A community water
4 supply operator.

5 (2.5) The Agency may adopt rules that classify or
6 reclassify community water supplies as Class A, Class B, Class
7 C, or Class D community water supplies. A community water
8 supply that cannot be clearly classified under Section 5.1 or
9 Agency rules shall be considered individually and designated,
10 in writing, by the Agency~~r~~ as a Class A, Class B, Class C, or
11 Class D community water supply. Classifications made under this
12 subsection (2.5) shall be based on the nature of the community
13 water supply and on the education and experience necessary to
14 operate it.

15 (3) A community water supply may satisfy the requirements
16 of this Section by contracting the services of an individual
17 who is a properly qualified certified operator of the required
18 class or higher~~r~~ and will directly supervise the operation of
19 the community water supply. That individual shall serve as the
20 Responsible Operator in Charge of the community water supply. A
21 written agreement to this effect must be on file with the
22 Agency certifying that such an agreement exists, and delegating
23 responsibility and authority to the contracted party. This
24 written agreement shall be signed by both the certified
25 operator to be contracted and the responsible community water
26 supply owner or official custodian and must be approved in

1 writing by the Agency.

2 (Source: P.A. 98-822, eff. 8-1-14; 98-856, eff. 8-4-14; revised
3 10-1-14.)

4 (415 ILCS 45/13) (from Ch. 111 1/2, par. 513)

5 Sec. 13. Community Water Supply Operators shall be
6 certified in accordance with the following classifications:

7 (a) A "Class A" Water Supply Operator Certificate shall
8 be issued to those individuals who, in accordance with this
9 Act, demonstrate the skills, knowledge, ability, and
10 judgment that are necessary to operate a Class A community
11 water supply in a manner that will provide safe, potable
12 water for human consumption, as well as the skills,
13 knowledge, ability, and judgment necessary to operate
14 Class B, Class C, and Class D community water supplies in a
15 manner that will provide safe, potable water for human
16 consumption.

17 (b) A "Class B" Water Supply Operator Certificate shall
18 be issued to those individuals who, in accordance with this
19 Act, demonstrate the skills, knowledge, ability, and
20 judgment that are necessary to operate a Class B community
21 water supply in a manner that will provide safe, potable
22 water for human consumption, as well as the skills,
23 knowledge, ability, and judgment necessary to operate
24 Class C and Class D community water supplies in a manner
25 that will provide safe, potable water for human

1 consumption.

2 (c) A "Class C" Water Supply Operator Certificate shall
3 be issued to those individuals who, in accordance with this
4 Act, demonstrate the skills, knowledge, ability, and
5 judgment that are necessary to operate a Class C community
6 water supply in a manner that will provide safe, potable
7 water for human consumption, as well as the skills,
8 knowledge, ability, and judgment necessary to operate a
9 Class D community water supply in a manner that will
10 provide safe, potable water for human consumption.

11 (d) A "Class D" Water Supply Operator Certificate shall
12 be issued to those individuals who, in accordance with this
13 Act, demonstrate the skills, knowledge, ability, and
14 judgment that are necessary to operate a Class D community
15 water supply in a manner that will provide safe, potable
16 water for human consumption.

17 (Source: P.A. 98-822, eff. 8-1-14; 98-856, eff. 8-4-14; revised
18 10-2-14.)

19 Section 385. The Illinois Pesticide Act is amended by
20 changing Section 19.3 as follows:

21 (415 ILCS 60/19.3)

22 Sec. 19.3. Agrichemical Facility Response Action Program.

23 (a) It is the policy of the State of Illinois that an
24 Agrichemical Facility Response Action Program be implemented

1 to reduce potential agrichemical pollution and minimize
2 environmental degradation risk potential at these sites. In
3 this Section, "agrichemical facility" means a site where
4 agrichemicals are stored or handled, or both, in preparation
5 for end use. "Agrichemical facility" does not include basic
6 manufacturing or central distribution sites utilized only for
7 wholesale purposes. As used in this Section, "agrichemical"
8 means pesticides or commercial fertilizers at an agrichemical
9 facility.

10 The program shall provide guidance for assessing the threat
11 of soil agrichemical contaminants to groundwater and
12 recommending which sites need to establish a voluntary
13 corrective action program.

14 The program shall establish appropriate site-specific soil
15 cleanup objectives, which shall be based on the potential for
16 the agrichemical contaminants to move from the soil to
17 groundwater and the potential of the specific soil agrichemical
18 contaminants to cause an exceedence of a Class I or Class III
19 groundwater quality standard or a health advisory level. The
20 Department shall use the information found and procedures
21 developed in the Agrichemical Facility Site Contamination
22 Study or other appropriate physical evidence to establish the
23 soil agrichemical contaminant levels of concern to groundwater
24 in the various hydrological settings to establish
25 site-specific cleanup objectives.

26 No remediation of a site may be recommended unless (i) the

1 agrichemical contamination level in the soil exceeds the
2 site-specific cleanup objectives or (ii) the agrichemical
3 contaminant level in the soil exceeds levels where physical
4 evidence and risk evaluation indicates probability of the site
5 causing an exceedence of a groundwater quality standard.

6 When a remediation plan must be carried out over a number
7 of years due to limited financial resources of the owner or
8 operator of the agrichemical facility, those soil agrichemical
9 contaminated areas that have the greatest potential to
10 adversely impact vulnerable Class I groundwater aquifers and
11 adjacent potable water wells shall receive the highest priority
12 rating and be remediated first.

13 (b) (Blank).

14 (c) (Blank).

15 (d) The Director has the authority to do the following:

16 (1) When requested by the owner or operator of an
17 agrichemical facility, may investigate the agrichemical
18 facility site contamination.

19 (2) After completion of the investigation under item
20 (1) of this subsection, recommend to the owner or operator
21 of an agrichemical facility that a voluntary assessment be
22 made of the soil agrichemical contaminant when there is
23 evidence that the evaluation of risk indicates that
24 groundwater could be adversely impacted.

25 (3) Review and make recommendations on any corrective
26 action plan submitted by the owner or operator of an

1 agrichemical facility.

2 (4) On approval by the Director, issue an order to the
3 owner or operator of an agrichemical facility that has
4 filed a voluntary corrective action plan that the owner or
5 operator may proceed with that plan.

6 (5) Provide remedial project oversight and monitor
7 remedial work progress.

8 (6) Provide staff to support program activities.

9 (7) (Blank).

10 (8) Incorporate the following into a handbook or
11 manual: the procedures for site assessment; pesticide
12 constituents of concern and associated parameters;
13 guidance on remediation techniques, land application, and
14 corrective action plans; and other information or
15 instructions that the Department may find necessary.

16 (9) Coordinate preventive response actions at
17 agrichemical facilities pursuant to the Groundwater
18 Quality Standards adopted pursuant to Section 8 of the
19 Illinois Groundwater Protection Act to mitigate resource
20 groundwater impairment.

21 Upon completion of the corrective action plan, the
22 Department shall issue a notice of closure stating that
23 site-specific cleanup objectives have been met and no further
24 remedial action is required to remedy the past agrichemical
25 contamination.

26 When a soil agrichemical contaminant assessment confirms

1 that remedial action is not required in accordance with the
2 Agrichemical Facility Response Action Program, a notice of
3 closure shall be issued by the Department stating that no
4 further remedial action is required to remedy the past
5 agrichemical contamination.

6 (e) Upon receipt of notification of an agrichemical
7 contaminant in groundwater pursuant to the Groundwater Quality
8 Standards, the Department shall evaluate the severity of the
9 agrichemical contamination and shall submit to the
10 Environmental Protection Agency an informational notice
11 characterizing it as follows:

12 (1) An agrichemical contaminant in Class I or Class III
13 groundwater has exceeded the levels of a standard adopted
14 pursuant to the Illinois Groundwater Protection Act or a
15 health advisory established by the Illinois Environmental
16 Protection Agency or the United States Environmental
17 Protection Agency; or

18 (2) An agrichemical has been detected at a level that
19 requires preventive notification pursuant to a standard
20 adopted pursuant to the Illinois Groundwater Protection
21 Act.

22 (f) When agrichemical contamination is characterized as in
23 subsection (e)(1) of this Section, a facility may elect to
24 participate in the Agrichemical Facility Response Action
25 Program. In these instances, the scope of the corrective action
26 plans developed, approved, and completed under this program

1 shall be limited to the soil agrichemical contamination present
2 at the site unless implementation of the plan is coordinated
3 with the Illinois Environmental Protection Agency as follows:

4 (1) Upon receipt of notice of intent to include
5 groundwater in an action by a facility, the Department
6 shall also notify the Illinois Environmental Protection
7 Agency.

8 (2) Upon receipt of the corrective action plan, the
9 Department shall coordinate a joint review of the plan with
10 the Illinois Environmental Protection Agency.

11 (3) The Illinois Environmental Protection Agency may
12 provide a written endorsement of the corrective action
13 plan.

14 (4) The Illinois Environmental Protection Agency may
15 approve a groundwater management zone for a period of 5
16 years after the implementation of the corrective action
17 plan to allow for groundwater impairment mitigation
18 results.

19 (5) (Blank).

20 (6) The Department, in cooperation with the Illinois
21 Environmental Protection Agency, shall provide remedial
22 project oversight and~~7~~ monitor remedial work progress.

23 (7) The Department shall, upon completion of the
24 corrective action plan, issue a notice of closure stating
25 that no further remedial action is required to remedy the
26 past agrichemical contamination.

1 (g) When an owner or operator of an agrichemical facility
2 initiates a soil contamination assessment on the owner's or
3 operator's own volition and independent of any requirement
4 under this Section 19.3, information contained in that
5 assessment may be held as confidential information by the owner
6 or operator of the facility.

7 (h) Except as otherwise provided by Department rule, on and
8 after the effective date of this amendatory Act of the 98th
9 General Assembly, any Agrichemical Facility Response Action
10 Program requirement that may be satisfied by an industrial
11 hygienist licensed pursuant to the Industrial Hygienists
12 Licensure Act repealed in this amendatory Act may be satisfied
13 by a Certified Industrial Hygienist certified by the American
14 Board of Industrial Hygiene.

15 (Source: P.A. 98-78, eff. 7-15-13; 98-692, eff. 7-1-14; revised
16 12-10-14.)

17 Section 390. The Firearm Owners Identification Card Act is
18 amended by changing Section 10 as follows:

19 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

20 Sec. 10. Appeal to director; hearing; relief from firearm
21 prohibitions.

22 (a) Whenever an application for a Firearm Owner's
23 Identification Card is denied, whenever the Department fails to
24 act on an application within 30 days of its receipt, or

1 whenever such a Card is revoked or seized as provided for in
2 Section 8 of this Act, the aggrieved party may appeal to the
3 Director of State Police for a hearing upon such denial,
4 revocation or seizure, unless the denial, revocation, or
5 seizure was based upon a forcible felony, stalking, aggravated
6 stalking, domestic battery, any violation of the Illinois
7 Controlled Substances Act, the Methamphetamine Control and
8 Community Protection Act, or the Cannabis Control Act that is
9 classified as a Class 2 or greater felony, any felony violation
10 of Article 24 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, or any adjudication as a delinquent minor for the
12 commission of an offense that if committed by an adult would be
13 a felony, in which case the aggrieved party may petition the
14 circuit court in writing in the county of his or her residence
15 for a hearing upon such denial, revocation, or seizure.

16 (b) At least 30 days before any hearing in the circuit
17 court, the petitioner shall serve the relevant State's Attorney
18 with a copy of the petition. The State's Attorney may object to
19 the petition and present evidence. At the hearing the court
20 shall determine whether substantial justice has been done.
21 Should the court determine that substantial justice has not
22 been done, the court shall issue an order directing the
23 Department of State Police to issue a Card. However, the court
24 shall not issue the order if the petitioner is otherwise
25 prohibited from obtaining, possessing, or using a firearm under
26 federal law.

1 (c) Any person prohibited from possessing a firearm under
2 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
3 acquiring a Firearm Owner's Identification Card under Section 8
4 of this Act may apply to the Director of State Police or
5 petition the circuit court in the county where the petitioner
6 resides, whichever is applicable in accordance with subsection
7 (a) of this Section, requesting relief from such prohibition
8 and the Director or court may grant such relief if it is
9 established by the applicant to the court's or Director's
10 satisfaction that:

11 (0.05) when in the circuit court, the State's Attorney
12 has been served with a written copy of the petition at
13 least 30 days before any such hearing in the circuit court
14 and at the hearing the State's Attorney was afforded an
15 opportunity to present evidence and object to the petition;

16 (1) the applicant has not been convicted of a forcible
17 felony under the laws of this State or any other
18 jurisdiction within 20 years of the applicant's
19 application for a Firearm Owner's Identification Card, or
20 at least 20 years have passed since the end of any period
21 of imprisonment imposed in relation to that conviction;

22 (2) the circumstances regarding a criminal conviction,
23 where applicable, the applicant's criminal history and his
24 reputation are such that the applicant will not be likely
25 to act in a manner dangerous to public safety;

26 (3) granting relief would not be contrary to the public

1 interest; and

2 (4) granting relief would not be contrary to federal
3 law.

4 (c-5) (1) An active law enforcement officer employed by a
5 unit of government, who is denied, revoked, or has his or her
6 Firearm Owner's Identification Card seized under subsection
7 (e) of Section 8 of this Act may apply to the Director of State
8 Police requesting relief if the officer did not act in a manner
9 threatening to the officer, another person, or the public as
10 determined by the treating clinical psychologist or physician,
11 and as a result of his or her work is referred by the employer
12 for or voluntarily seeks mental health evaluation or treatment
13 by a licensed clinical psychologist, psychiatrist, or
14 qualified examiner, and:

15 (A) the officer has not received treatment
16 involuntarily at a mental health facility, regardless of
17 the length of admission; or has not been voluntarily
18 admitted to a mental health facility for more than 30 days
19 and not for more than one incident within the past 5 years;
20 and

21 (B) the officer has not left the mental institution
22 against medical advice.

23 (2) The Director of State Police shall grant expedited
24 relief to active law enforcement officers described in
25 paragraph (1) of this subsection (c-5) upon a determination by
26 the Director that the officer's possession of a firearm does

1 not present a threat to themselves, others, or public safety.
2 The Director shall act on the request for relief within 30
3 business days of receipt of:

4 (A) a notarized statement from the officer in the form
5 prescribed by the Director detailing the circumstances
6 that led to the hospitalization;

7 (B) all documentation regarding the admission,
8 evaluation, treatment and discharge from the treating
9 licensed clinical psychologist or psychiatrist of the
10 officer;

11 (C) a psychological fitness for duty evaluation of the
12 person completed after the time of discharge; and

13 (D) written confirmation in the form prescribed by the
14 Director from the treating licensed clinical psychologist
15 or psychiatrist that the provisions set forth in paragraph
16 (1) of this subsection (c-5) have been met, the person
17 successfully completed treatment, and their professional
18 opinion regarding the person's ability to possess
19 firearms.

20 (3) Officers eligible for the expedited relief in paragraph
21 (2) of this subsection (c-5) have the burden of proof on
22 eligibility and must provide all information required. The
23 Director may not consider granting expedited relief until the
24 proof and information is received.

25 (4) "Clinical psychologist", "psychiatrist", and
26 "qualified examiner" shall have the same meaning as provided in

1 Chapter I ~~±~~ of the Mental Health and Developmental Disabilities
2 Code.

3 (d) When a minor is adjudicated delinquent for an offense
4 which if committed by an adult would be a felony, the court
5 shall notify the Department of State Police.

6 (e) The court shall review the denial of an application or
7 the revocation of a Firearm Owner's Identification Card of a
8 person who has been adjudicated delinquent for an offense that
9 if committed by an adult would be a felony if an application
10 for relief has been filed at least 10 years after the
11 adjudication of delinquency and the court determines that the
12 applicant should be granted relief from disability to obtain a
13 Firearm Owner's Identification Card. If the court grants
14 relief, the court shall notify the Department of State Police
15 that the disability has been removed and that the applicant is
16 eligible to obtain a Firearm Owner's Identification Card.

17 (f) Any person who is subject to the disabilities of 18
18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
19 of 1968 because of an adjudication or commitment that occurred
20 under the laws of this State or who was determined to be
21 subject to the provisions of subsections (e), (f), or (g) of
22 Section 8 of this Act may apply to the Department of State
23 Police requesting relief from that prohibition. The Director
24 shall grant the relief if it is established by a preponderance
25 of the evidence that the person will not be likely to act in a
26 manner dangerous to public safety and that granting relief

1 would not be contrary to the public interest. In making this
2 determination, the Director shall receive evidence concerning
3 (i) the circumstances regarding the firearms disabilities from
4 which relief is sought; (ii) the petitioner's mental health and
5 criminal history records, if any; (iii) the petitioner's
6 reputation, developed at a minimum through character witness
7 statements, testimony, or other character evidence; and (iv)
8 changes in the petitioner's condition or circumstances since
9 the disqualifying events relevant to the relief sought. If
10 relief is granted under this subsection or by order of a court
11 under this Section, the Director shall as soon as practicable
12 but in no case later than 15 business days, update, correct,
13 modify, or remove the person's record in any database that the
14 Department of State Police makes available to the National
15 Instant Criminal Background Check System and notify the United
16 States Attorney General that the basis for the record being
17 made available no longer applies. The Department of State
18 Police shall adopt rules for the administration of this
19 Section.

20 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13;
21 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13; revised 12-10-14.)

22 Section 395. The Firearm Concealed Carry Act is amended by
23 changing Section 40 as follows:

24 (430 ILCS 66/40)

1 Sec. 40. Non-resident license applications.

2 (a) For the purposes of this Section, "non-resident" means
3 a person who has not resided within this State for more than 30
4 days and resides in another state or territory.

5 (b) The Department shall by rule allow for non-resident
6 license applications from any state or territory of the United
7 States with laws related to firearm ownership, possession, and
8 carrying, that are substantially similar to the requirements to
9 obtain a license under this Act.

10 (c) A resident of a state or territory approved by the
11 Department under subsection (b) of this Section may apply for a
12 non-resident license. The applicant shall apply to the
13 Department and must meet all of the qualifications established
14 in Section 25 of this Act, except for the Illinois residency
15 requirement in item (xiv) of paragraph (2) of subsection (a) of
16 Section 4 of the Firearm Owners Identification Card Act. The
17 applicant shall submit:

18 (1) the application and documentation required under
19 Section 30 of this Act and the applicable fee;

20 (2) a notarized document stating that the applicant:

21 (A) is eligible under federal law and the laws of
22 his or her state or territory of residence to own or
23 possess a firearm;

24 (B) if applicable, has a license or permit to carry
25 a firearm or concealed firearm issued by his or her
26 state or territory of residence and attach a copy of

1 the license or permit to the application;

2 (C) understands Illinois laws pertaining to the
3 possession and transport of firearms;~~7~~ and

4 (D) acknowledges that the applicant is subject to
5 the jurisdiction of the Department and Illinois courts
6 for any violation of this Act; ~~and~~

7 (3) a photocopy of any certificates or other evidence
8 of compliance with the training requirements under Section
9 75 of this Act; and

10 (4) a head and shoulder color photograph in a size
11 specified by the Department taken within the 30 days
12 preceding the date of the application.

13 (d) In lieu of an Illinois driver's license or Illinois
14 identification card, a non-resident applicant shall provide
15 similar documentation from his or her state or territory of
16 residence. In lieu of a valid Firearm Owner's Identification
17 Card, the applicant shall submit documentation and information
18 required by the Department to obtain a Firearm Owner's
19 Identification Card, including an affidavit that the
20 non-resident meets the mental health standards to obtain a
21 firearm under Illinois law, and the Department shall ensure
22 that the applicant would meet the eligibility criteria to
23 obtain a Firearm Owner's Identification card if he or she was a
24 resident of this State.

25 (e) Nothing in this Act shall prohibit a non-resident from
26 transporting a concealed firearm within his or her vehicle in

1 Illinois, if the concealed firearm remains within his or her
2 vehicle and the non-resident:

3 (1) is not prohibited from owning or possessing a
4 firearm under federal law;

5 (2) is eligible to carry a firearm in public under the
6 laws of his or her state or territory of residence, as
7 evidenced by the possession of a concealed carry license or
8 permit issued by his or her state of residence, if
9 applicable; and

10 (3) is not in possession of a license under this Act.

11 If the non-resident leaves his or her vehicle unattended,
12 he or she shall store the firearm within a locked vehicle or
13 locked container within the vehicle in accordance with
14 subsection (b) of Section 65 of this Act.

15 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; revised
16 12-10-14.)

17 Section 400. The Amusement Ride and Attraction Safety Act
18 is amended by changing Section 2-12 as follows:

19 (430 ILCS 85/2-12) (from Ch. 111 1/2, par. 4062)

20 Sec. 2-12. Order for cessation of operation of amusement
21 ride or attraction.

22 (a) The Department of Labor may order, in writing, a
23 temporary and immediate cessation of operation of any amusement
24 ride or amusement attraction if ~~it~~:

1 (1) it has been determined after inspection to be
2 hazardous or unsafe;

3 (2) it is in operation before the Director has issued a
4 permit to operate such equipment; or

5 (3) the owner or operator is not in compliance with the
6 insurance requirements contained in Section 2-14 of this
7 Act and any rules or regulations adopted hereunder.

8 (b) Operation of the amusement ride or amusement attraction
9 shall not resume until:

10 (1) the unsafe or hazardous condition is corrected to
11 the satisfaction of the Director or such inspector;

12 (2) the Director has issued a permit to operate such
13 equipment; or

14 (3) the owner or operator is in compliance with the
15 insurance requirements contained in Section 2-14 of this
16 Act and any rules or regulations adopted hereunder,
17 respectively.

18 (c) The Department shall notify the owner or operator in
19 writing of the grounds for the cessation of operation of the
20 amusement ride or attraction and of the conditions in need of
21 correction at the time the order for cessation is issued.

22 (d) The owner or operator may appeal an order of cessation
23 by filing a request for a hearing. The Department shall afford
24 the owner or operator 10 working days after the date of the
25 notice to request a hearing. Upon written request for hearing,
26 the Department shall schedule a formal administrative hearing

1 in compliance with Article 10 of the Illinois Administrative
2 Procedure Act and pursuant to the provisions of the
3 Department's rules of procedure in administrative hearings,
4 except that formal discovery, such as production requests,
5 interrogatories, requests to admit, and depositions will not be
6 allowed. The parties shall exchange documents and witness lists
7 prior to hearing and may request third party subpoenas to be
8 issued.

9 (e) The final determination by the Department of Labor
10 shall be rendered within 5 working days after the conclusion of
11 the hearing.

12 (f) The provisions of the Administrative Review Law shall
13 apply to and govern all proceedings for the judicial review of
14 a final determination under this Section.

15 (Source: P.A. 98-541, eff. 8-23-13; 98-756, eff. 7-16-14;
16 revised 12-10-14.)

17 Section 405. The Illinois Modular Dwelling and Mobile
18 Structure Safety Act is amended by changing Section 2 as
19 follows:

20 (430 ILCS 115/2) (from Ch. 67 1/2, par. 502)

21 Sec. 2. Unless clearly indicated otherwise by the context,
22 the following words and terms when used in this Act, for the
23 purpose of this Act, shall have the following meanings:

24 (a) (Blank) ~~a manufactured home as defined in subdivision~~

1 ~~(53) of Section 9-102 of the Uniform Commercial Code. "Mobile~~
2 ~~home" means a factory assembled, completely integrated~~
3 ~~structure, constructed on or before June 30, 1976, designed for~~
4 ~~permanent habitation, with a permanent chassis, and so~~
5 ~~constructed as to permit its transport, on wheels temporarily~~
6 ~~or permanently attached to its frame, that is a movable or~~
7 ~~portable unit that is constructed to be towed on its own~~
8 ~~chassis (comprised of frame and wheels) from the place of its~~
9 ~~construction to the location, or subsequent locations, at which~~
10 ~~it is connected to utilities for year round occupancy for use~~
11 ~~as a permanent habitation, and designed and situated so as to~~
12 ~~permit its occupancy as a dwelling place for one or more~~
13 ~~persons. terms "manufactured home" and "mobile home" otherwise~~
14 ~~meeting their respective definitions terms "mobile home" and~~
15 ~~"manufactured home" exclude.~~

16 (b) "Person" means any individual, group of individuals,
17 association, trust, partnership, limited liability company,
18 corporation, person doing business under an assumed name,
19 county, municipality, the State of Illinois, or any political
20 subdivision or department thereof, or any other entity.

21 (c) "Manufacturer" means any person who manufactures
22 mobile structures or modular dwellings at the place or places,
23 either on or away from the building site, at which machinery,
24 equipment, and other capital goods are assembled and operated
25 for the purpose of making, fabricating, forming, or assembling
26 mobile structures or modular dwellings.

1 (d) "Department" means the Department of Public Health.

2 (e) "Director" means the Director of the Department of
3 Public Health.

4 (f) (Blank).

5 (g) "Codes" means the safety codes for modular dwellings
6 and mobile structures adopted by the Department and is
7 synonymous with "rules". The Codes shall contain the standards
8 and requirements for modular dwellings and mobile structures so
9 that adequate performance for the intended use is made the test
10 of acceptability. The Code of Standards shall permit the use of
11 new technology, techniques, methods and materials, for both
12 modular dwellings and mobile structures, consistent with
13 recognized and accepted codes and standards developed by the
14 International Code Council (ICC) or by the organizations that
15 formed the ICC in 1994, the National Fire Protection
16 Association, the International Association of Plumbing and
17 Mechanical Officials, the American National Standards
18 Institute, and the Illinois State Plumbing Code.

19 (h) "Seal" means a device or insignia issued by the
20 Department to be displayed on the exterior of the mobile
21 structure or the interior of a modular dwelling unit to
22 evidence compliance with the applicable safety code.

23 (i) "Modular dwelling" means a building assembly or system
24 of building sub-assemblies, designed for habitation as a
25 dwelling for one or more persons, including the necessary
26 electrical, plumbing, heating, ventilating and other service

1 systems, which is of closed construction and which is made or
2 assembled by a manufacturer, on or off the building site, for
3 installation, or assembly and installation, on the building
4 site, installed and set up according to the manufacturer's
5 instructions on an approved foundation and support system. The
6 construction of modular dwelling units located in Illinois is
7 regulated by the Illinois Department of Public Health.

8 (j) "Closed construction" is any building, component,
9 assembly or system manufactured in such a manner that all
10 portions cannot readily be inspected at the installation site
11 without disassembly, damage to, or destruction thereof.

12 (k) (Blank).

13 (l) "Approved foundation and support system" means, for a
14 modular dwelling unit, a closed perimeter formation consisting
15 of materials such as concrete, mortared concrete block,
16 mortared brick, steel, or treated lumber extending into the
17 ground below the frost line which shall include, but not
18 necessarily be limited to, cellars, basements, or crawl spaces,
19 and does include the use of piers supporting the marriage wall
20 of the home that extend below the frost line.

21 (m) "Code compliance certificate" means the certificate
22 provided by the manufacturer to the Department that warrants
23 that the modular dwelling unit or mobile structure complies
24 with the applicable code.

25 (n) "Mobile structure" means a movable or portable unit,
26 which, when assembled, is 8 feet or more in width and is 32

1 body feet in length, constructed to be towed on its own chassis
2 (comprised of frame and wheels), and designed for occupancy
3 with or without a permanent foundation. "Mobile structure"
4 includes units designed to be used for multi-family
5 residential, commercial, educational, or industrial purposes,
6 excluding, however, recreational vehicles and single family
7 residences.

8 (Source: P.A. 98-749, eff. 7-16-14; 98-959, eff. 8-15-14;
9 revised 10-2-14.)

10 Section 410. The Illinois Fertilizer Act of 1961 is amended
11 by changing Sections 4 and 20 as follows:

12 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

13 Sec. 4. License and product registration.

14 (a) Each brand and grade of fertilizer shall be registered
15 by the entity whose name appears upon the label before being
16 distributed in this State. The application for registration
17 shall be submitted with a label or facsimile of same to the
18 Director on forms furnished by the Director, and shall be
19 accompanied by a fee of \$20 per grade within a brand. Upon
20 approval by the Director a copy of the registration shall be
21 furnished to the applicant. All registrations expire on
22 December 31 of each year.

23 The application shall include the following information:

24 (1) The net weight.

1 (2) The brand and grade.

2 (3) The guaranteed analysis.

3 (4) The name and address of the registrant.

4 (a-5) No entity whose name appears on the label shall
5 distribute a fertilizer in the State unless the entity has
6 secured a license under this Act on forms provided by the
7 Director. The license application shall be accompanied by a fee
8 of \$100. Entities that store anhydrous ammonia as a fertilizer,
9 store bulk fertilizer, or custom blend a fertilizer at more
10 than one site under the same entity's name shall list any and
11 all additional sites with a complete address for each site and
12 remit a license fee of \$50 for each site identified. Entities
13 performing lawn care applications for hire are exempt from
14 obtaining a license under this Act. All licenses expire on
15 December 31 of each year.

16 (b) A distributor shall not be required to register any
17 brand of fertilizer or a custom blend which is already
18 registered under this Act by another entity.

19 (c) The plant nutrient content of each and every fertilizer
20 must remain uniform for the period of registration and, in no
21 case, shall the percentage of any guaranteed plant nutrient
22 element be changed in such a manner that the crop-producing
23 quality of the fertilizer is lowered.

24 (d) (Blank).

25 (e) A custom blend, as defined in Section 3, prepared for
26 one consumer or end user shall not be co-mingled with the

1 custom blended fertilizer prepared for another consumer or end
2 user.

3 (f) All fees collected pursuant to this Section shall be
4 paid to the Fertilizer Control Fund for activities related to
5 the administration and enforcement of this Act.

6 (Source: P.A. 97-960, eff. 8-15-12; 98-756, eff. 7-16-14;
7 revised 12-10-14.)

8 (505 ILCS 80/20) (from Ch. 5, par. 55.20)

9 Sec. 20. Administrative hearings; notice. Any entity so
10 notified of violating this Act or its rules, shall be given the
11 opportunity to be heard as may be prescribed by the Director.
12 When an administrative hearing is held, the hearing officer,
13 upon determination of a violation of this Act, shall levy and
14 the Department shall collect administrative penalties in
15 addition to any initial penalty levied by this Act as follows:

16 (1) A penalty of \$1,000 shall be imposed for:

17 (A) neglect or refusal by any entity, after notice
18 in writing, to comply with provisions of this Act or
19 its rules or any lawful order of the Director;

20 (B) every sale, disposal, or distribution of a
21 fertilizer that is under a stop-sale order; or

22 (C) concealing facts or conditions, impeding,
23 obstructing, hindering, or otherwise preventing or
24 attempting to prevent the Director, or his or her duly
25 authorized agent, in the performance of his or her duty

1 in connection with the provisions of this Act.

2 (2) A penalty of \$500 shall be imposed for the
3 following violations:

4 (A) distribution of a fertilizer that is
5 misbranded or adulterated;

6 (B) distribution of a fertilizer that does not have
7 an accompanying label attached or displayed;

8 (C) failure to comply with any provisions of this
9 Act or its rules other than described under this
10 Section.

11 The Department, over the signature of the Director, is
12 authorized to issue subpoenas and bring before the Department
13 any entity in this State to take testimony orally, by
14 deposition, or by exhibit, in the same manner prescribed by law
15 in judicial proceedings or civil cases in the circuit courts of
16 this State. The Director is authorized to issue subpoenas duces
17 tecum for records relating to a fertilizer distributor's or
18 registrant's business.

19 When a fertilizer-soil amendment combination labeled in
20 accordance with 8 Ill. Adm. Code 211.40 Subpart (b) is subject
21 to penalties, the larger penalty shall be assessed.

22 All penalties collected by the Department under this
23 Section shall be deposited into the Fertilizer Control Fund.
24 Any penalty not paid within 60 days after receiving the notice
25 from the Department shall be submitted to the Attorney
26 General's office for collection.

1 (Source: P.A. 97-960, eff. 8-15-12; revised 12-10-14.)

2 Section 415. The Illinois Seed Law is amended by changing
3 Section 4.1 as follows:

4 (505 ILCS 110/4.1) (from Ch. 5, par. 404.1)

5 Sec. 4.1. All seeds named and treated as defined in this
6 Act (for which a separate label may be used) must be labeled
7 with:

8 (1) A word or statement indicating that the seed has
9 been treated.

10 (2) The commonly accepted, coined, chemical or
11 abbreviated chemical (generic) name of the applied
12 substance or description of the process used.

13 (3) If the substance in the amount present with the
14 seed is harmful to human or other vertebrate animals, a
15 caution statement such as "Do not use for food, feed, oil
16 purposes" or otherwise as required by the Uniform Hazardous
17 Substances ~~Substance~~ Act of Illinois. The caution for toxic
18 substances shall be a poison statement or symbol.

19 (4) If the seed is treated with an inoculant, the date
20 beyond which the inoculant is not to be considered
21 effective (date of expiration).

22 (5) Require symbol statement and the appropriate
23 Environmental Protection Agency signal word -- DANGER,
24 CAUTION OR WARNING.

1 (6) All treated seeds are required to be stained so
2 that they are easily distinguished by the ordinary observer
3 when examined regardless of the proportion of treated to
4 untreated seeds. The color used on treated seed shall
5 persist as long as seed bear pesticide residue.

6 (Source: P.A. 85-717; revised 12-10-14.)

7 Section 420. The Illinois Bovine Brucellosis Eradication
8 Act is amended by changing Section 1 as follows:

9 (510 ILCS 30/1) (from Ch. 8, par. 134)

10 Sec. 1. As used in this Act, unless the context otherwise
11 requires, words and phrases have the meanings ascribed to them
12 in the Sections following this Section and preceding Section 2
13 ~~Sections 1.1 to 1.12, inclusive.~~

14 (Source: P.A. 78-818; revised 12-10-14.)

15 Section 425. The Herptiles-Herps Act is amended by changing
16 Section 105-95 as follows:

17 (510 ILCS 68/105-95)

18 Sec. 105-95. Financial value of herptiles.

19 (a) For purposes of this Section, the financial value of
20 all reptiles and amphibians described under this Act taken,
21 possessed, or used in violation of this Act, whether in whole
22 or in part, is as follows:

1 (1) for processed turtle parts, \$8 for each pound or
2 fraction of a pound; for each non-processed turtle, \$15 per
3 whole turtle or fair market value, whichever is greater;

4 (2) for frogs, toads, salamanders, lizards, and
5 snakes, \$5 per herptile or fair market value, whichever is
6 greater, in whole or in part, unless specified as a special
7 use herptile;

8 (3) for any special use herptile, the value shall be no
9 less than \$250 per special use herptile or fair market
10 value, whichever is greater;

11 (4) for any endangered or threatened herptile, the
12 value shall be no less than \$150 per endangered or
13 threatened ~~threatend~~ herptile or fair market value,
14 whichever is greater; and

15 (5) any person who, for profit or commercial purposes,
16 knowingly captures or kills, possesses, offers for sale,
17 sells, offers to barter, barter, offers to purchase,
18 purchases, delivers for shipment, ships, exports, imports,
19 causes to be shipped, exported, or imported, delivers for
20 transportation, transports, or causes to be transported,
21 carries or causes to be carried, or receives for shipment,
22 transportation, carriage, or export any reptile or
23 amphibian life, in part or in whole, of any of the reptiles
24 and amphibians protected by this Act, and that reptile or
25 amphibian life, in whole or in part, is valued at or in
26 excess of a total of \$300 or fair market value, whichever

1 is greater, as per value specified in paragraphs (1), (2),
2 (3), and (4) of this subsection commits a Class 3 felony.

3 (b) The trier of fact may infer that a person "knowingly
4 possesses" a reptile or amphibian, in whole or in part,
5 captured or killed in violation of this Act, valued at or in
6 excess of \$600, as per value specified in paragraphs (1), (2),
7 (3), and (4) of subsection (a) of this Section.

8 (Source: P.A. 98-752, eff. 1-1-15; revised 12-10-14.)

9 Section 430. The Humane Care for Animals Act is amended by
10 changing Section 2 as follows:

11 (510 ILCS 70/2) (from Ch. 8, par. 702)

12 Sec. 2. As used in this Act, unless the context otherwise
13 requires, the terms specified in the Sections following this
14 Section and preceding Section 3 ~~Sections 2.01 through 2.07~~ have
15 the meanings ascribed to them in those Sections.

16 (Source: P.A. 78-905; revised 12-10-14.)

17 Section 435. The Illinois Swine Brucellosis Eradication
18 Act is amended by changing Section 1 as follows:

19 (510 ILCS 95/1) (from Ch. 8, par. 148f)

20 Sec. 1. As used in this Act, unless the context otherwise
21 requires, words and phrases have the meanings ascribed to them
22 in the Sections following this Section and preceding Section 2

1 ~~Sections 1.1 to 1.7, inclusive.~~

2 (Source: Laws 1959, p. 2259; revised 12-10-14.)

3 Section 440. The Fish and Aquatic Life Code is amended by
4 changing Sections 1-20, 15-155, and 20-55 as follows:

5 (515 ILCS 5/1-20) (from Ch. 56, par. 1-20)

6 Sec. 1-20. Aquatic life. "Aquatic life" means all fish,
7 mollusks, crustaceans, algae, aquatic plants, aquatic
8 invertebrates, and any other aquatic animals or plants that the
9 Department identifies in rules adopted after consultation with
10 biologists, zoologists, or other wildlife experts. "Aquatic
11 life" does not mean any herptiles that are found in the
12 Herptiles-Herps Act.

13 (Source: P.A. 98-752, eff. 1-1-15; 98-771, eff. 1-1-15; revised
14 10-2-14.)

15 (515 ILCS 5/15-155)

16 Sec. 15-155. Watercraft used as a primary collection device
17 for commercial fishes. Any person licensed as a commercial
18 fisherman who wishes to use his or her ~~their~~ watercraft as a
19 primary collection device for commercial fishes must first
20 obtain a commercial watercraft device tag. All watercraft used
21 as a primary collection device must be legally licensed by the
22 State and be in compliance with all Coast Guard boating
23 regulations. This Section does not apply to any person taking

1 Asian Carp by the aid of a boat for non-commercial purposes.

2 (Source: P.A. 98-336, eff. 1-1-14; revised 12-10-14.)

3 (515 ILCS 5/20-55) (from Ch. 56, par. 20-55)

4 Sec. 20-55. License fees for non-residents. Fees for
5 licenses for non-residents of the State of Illinois are as
6 follows:

7 (a) For sport fishing devices as defined by Section 10-95,
8 or spearing devices as defined in Section 10-110, non-residents
9 age 16 or older shall be charged \$31 for a fishing license to
10 fish. For sport fishing devices as defined by Section 10-95, or
11 spearing devices as defined in Section 10-110, for a period not
12 to exceed 3 consecutive days fishing in the State of Illinois
13 the fee is \$15.00.

14 For sport fishing devices as defined in Section 10-95, or
15 spearing devices as defined in Section 10-110, for 24 hours of
16 fishing the fee is \$10. This license does not exempt the
17 licensee from the salmon or inland trout stamp requirement.

18 (b) All non-residents before using any commercial fishing
19 device shall obtain a non-resident commercial fishing license,
20 the fee for which shall be \$300, and a non-resident fishing
21 license ~~licensing~~. Each and every commercial device shall be
22 licensed by a non-resident commercial fisherman as follows:

23 (1) For each 100 lineal yards, or fraction thereof, of
24 seine (excluding minnow seines) the fee is \$36.

25 (2) For each device to fish with a 100 hook trot line

1 device, basket trap, hoop net, or dip net the fee is \$6.

2 (3) For each 100 lineal yards, or fraction thereof, of
3 trammel net the fee is \$36.

4 (4) For each 100 lineal yards, or fraction thereof, of
5 gill net the fee is \$36.

6 All persons required to have and failing to have the
7 license provided for in subsection (a) of this Section shall be
8 fined under Section 20-35 of this Code. Each person required to
9 have and failing to have the licenses required under subsection
10 (b) of this Section shall be guilty of a Class B misdemeanor.

11 All licenses provided for in this Section shall expire on
12 March 31 of each year; except that the 24-hour license for
13 sport fishing devices or spearing devices shall expire 24 hours
14 after the effective date and time listed on the face of the
15 license and licenses for sport fishing devices or spearing
16 devices for a period not to exceed 3 consecutive days fishing
17 in the State of Illinois as provided in subsection (a) of this
18 Section shall expire at midnight on the tenth day after issued,
19 not counting the day issued.

20 (Source: P.A. 96-831, eff. 1-1-10; 97-1136, eff. 1-1-13;
21 revised 12-10-14.)

22 Section 445. The Wildlife Code is amended by changing
23 Sections 2.2b, 2.5, and 3.1-9 as follows:

24 (520 ILCS 5/2.2b)

1 Sec. 2.2b. Imminent threat; nuisance permits.

2 (a) It shall not be illegal for an owner or tenant of land,
3 or his or her ~~their~~ designated agent, to immediately take on
4 his or her property a gray wolf, *Canis lupus*; American black
5 bear, *Ursus americanus*; or cougar, *Puma concolor* if, at any
6 time, the gray wolf, American black bear, or cougar is stalking
7 ~~or~~ causing an imminent threat~~r~~, or there is a reasonable
8 expectation that it causes an imminent threat of physical harm
9 or death to a human, livestock, or domestic animals or harm to
10 structures or other property on the owner's or tenant's land.

11 (b) The Department may grant a nuisance permit to the owner
12 or tenant of land, or his or her ~~their~~ designated agent, for
13 the taking of a gray wolf, American black bear, or cougar that
14 is causing a threat to an owner or tenant of land or his or her
15 property that is not an immediate threat under subsection (a)
16 of this Section.

17 (c) The Department shall adopt rules to implement this
18 Section.

19 (Source: P.A. 98-1033, eff. 1-1-15; revised 11-26-14.)

20 (520 ILCS 5/2.5)

21 Sec. 2.5. Crossbow conditions. A person may use a crossbow
22 if one or more of the following conditions are met:

23 (1) the user is a person age 62 and older;

24 (2) the user is a handicapped person to whom the
25 Director has issued a permit to use a crossbow, as provided

1 by administrative rule; or

2 (3) the date of using the crossbow is during the period
3 of the second Monday following the Thanksgiving holiday
4 through the last day of the archery deer hunting season
5 (both inclusive) set annually by the Director.

6 As used in this Section, "handicapped person" means a
7 person who has a physical impairment due to injury or disease,
8 congenital or acquired, which renders the person ~~them~~ so
9 severely disabled as to be unable to use a longbow, recurve
10 bow, or compound bow. Permits must be issued only after the
11 receipt of a physician's statement confirming the applicant is
12 handicapped as defined above.

13 (Source: P.A. 97-907, eff. 8-7-12; revised 12-10-14.)

14 (520 ILCS 5/3.1-9)

15 Sec. 3.1-9. Youth Hunting License. Any resident youth age
16 16 and under may apply to the Department for a Youth Hunting
17 License, which extends limited hunting privileges. The Youth
18 Hunting License shall be a renewable license that shall expire
19 on the March 31 following the date of issuance.

20 For youth age 16 and under, the Youth Hunting License shall
21 entitle the licensee to hunt while supervised by a parent,
22 grandparent, or guardian who is 21 years of age or older and
23 has a valid Illinois hunting license. Possession of a Youth
24 Hunting License shall serve in lieu of a valid hunting license,
25 but does not exempt the licensee from compliance with the

1 requirements of this Code and any rules adopted under this
2 Code.

3 A youth licensed under this Section shall not hunt or carry
4 a hunting device, including, but not limited to, a firearm, bow
5 and arrow, or crossbow unless the youth is accompanied by and
6 under the close personal supervision of a parent, grandparent,
7 or guardian who is 21 years of age or older and has a valid
8 Illinois hunting license.

9 At age 17 years or when the youth chooses to hunt by
10 himself or herself, ~~he or she is themselves, they are~~ required
11 to successfully complete a hunter safety course approved by the
12 Department prior to being able to obtain a full hunting license
13 and subsequently hunt by himself or herself ~~themselves~~.

14 In order to be approved for the Youth Hunting License, the
15 applicant must request a Youth Hunting License from the
16 Department and submit a \$7 fee, which shall be separate from
17 and additional to any other stamp, permit, tag, or license fee
18 that may be required for hunting under this Code. The
19 Department shall adopt rules for the administration of the
20 program, but shall not require any certificate of competency or
21 other hunting education as a condition of the Youth Hunting
22 License.

23 (Source: P.A. 98-620, eff. 1-7-14; revised 12-10-14.)

24 Section 450. The Railroad Police Act is amended by changing
25 Section 2 as follows:

1 (610 ILCS 80/2) (from Ch. 114, par. 98)

2 Sec. 2. Conductors of all railroad trains, and the captain
3 or master of any boat carrying passengers within the
4 jurisdiction of this State ~~state~~, are ~~is~~ vested with police
5 powers while on duty on their respective trains and boats, and
6 may wear an appropriate badge indicative of this authority.

7 In the policing of its properties any registered rail
8 carrier, as defined in Section 18c-7201 of the Illinois Vehicle
9 Code, may provide for the appointment and maintenance of a
10 police force to aid and supplement the police forces of any
11 municipality in the protection of its property and the
12 protection of the persons and property of its passengers and
13 employees, or in furtherance of the purposes for which the
14 railroad was organized. While engaged in the conduct of their
15 employment, the members of the railroad police force have and
16 may exercise the same police powers conferred upon any peace
17 officer employed by a law enforcement agency of this State,
18 including the authority to issue administrative citations in
19 accordance with the provisions of county or municipal
20 ordinances.

21 Any registered rail carrier that appoints and maintains a
22 police force shall comply with the following requirements:

23 (1) Establish an internal policy that includes
24 procedures to ensure objective oversight in addressing
25 allegations of abuse of authority or other misconduct on

1 the part of its police officers.

2 (2) Adopt appropriate policies and guidelines for
3 employee investigations by police officers. These policies
4 and guidelines shall provide for initiating employee
5 investigations only under the following conditions:

6 (A) There is reason to believe criminal misconduct
7 has occurred.

8 (B) In response to an employee accident.

9 (C) There is reason to believe that the interview
10 of an employee could result in workplace violence.

11 (D) There is a legitimate concern for the personal
12 safety of one or more employees.

13 These policies and guidelines shall provide for the
14 right of an employee to request a representative to be
15 present during any interview concerning a non-criminal
16 matter.

17 (3) File copies of the policies and guidelines adopted
18 under paragraphs (1) and (2) with the Illinois Law
19 Enforcement Training Standards Board, which shall make
20 them available for public inspection. The Board shall
21 review the policies and guidelines, and approve them if
22 they comply with the Act.

23 (4) Appeal of a rail carrier's decision. A person
24 adversely affected or aggrieved by a decision of a rail
25 carrier's internal investigation under this Act may appeal
26 the decision to the Illinois State Police. The appeal shall

1 be filed no later than 90 days after the issuance of the
2 decision. The State Police shall review the depth,
3 completeness, and objectivity of the rail carrier's
4 investigation, and may conduct its own investigation of the
5 complaint. The State Police may uphold, overturn, or modify
6 the rail carrier's decision by filing a report of its
7 findings and recommendations with the Illinois Commerce
8 Commission. Consistent with authority under Chapter 18C of
9 the Illinois Vehicle Code and the Commission rules of
10 practice, the Commission shall have the power to conduct
11 evidentiary hearings, make findings, and issue and enforce
12 orders, including sanctions under Section 18c-1704 of the
13 Illinois Vehicle Code.

14 Rulemaking authority to implement this amendatory Act of
15 the 95th General Assembly, if any, is conditioned on the rules
16 being adopted in accordance with all provisions of the Illinois
17 Administrative Procedure Act and all rules and procedures of
18 the Joint Committee on Administrative Rules; any purported rule
19 not so adopted, for whatever reason, is unauthorized.

20 (Source: P.A. 98-791, eff. 7-25-14; revised 12-10-14.)

21 Section 455. The Rivers, Lakes, and Streams Act is amended
22 by changing Section 18j as follows:

23 (615 ILCS 5/18j)

24 Sec. 18j. ESDA critical facility evacuation plans. Any

1 critical facility that gives shelter to a person who would be
2 unable to evacuate without assistance during a flooding event,
3 and that is located in an area deemed by operation of law not
4 to be within the 100-year floodplain because the area in which
5 the critical facility is located lies within an area protected
6 by a federal levee and is located in a flood prevention
7 district established in accordance with the Flood Prevention
8 District Act shall develop an evacuation plan and certify to
9 the Emergency Services and Disaster Agency (ESDA), as defined
10 by Section 4 of the Illinois Emergency Management Agency Act,
11 on a form provided by the ESDA, that it has developed an
12 evacuation plan which the critical facility has or will
13 implement prior to or concurrent with occupancy of the facility
14 to evacuate persons who need assistance evacuating the facility
15 and the flooded area.

16 (Source: P.A. 96-1395, eff. 7-29-10; revised 12-10-14.)

17 Section 460. The Public-Private Agreements for the South
18 Suburban Airport Act is amended by changing Section 2-15 as
19 follows:

20 (620 ILCS 75/2-15)

21 Sec. 2-15. General airport powers.

22 (a) The Department has the power to plan, develop, secure
23 permits, licenses, and approvals for, acquire, develop,
24 construct, equip, own, and operate the South Suburban Airport.

1 The Department also has the power to own, operate, acquire
2 facilities for, construct, improve, repair, maintain,
3 renovate, and expand the South Suburban Airport, including any
4 facilities located on the site of the South Suburban Airport
5 for use by any individual or entity other than the Department.
6 The development of the South Suburban Airport shall also
7 include all land, highways, waterways, mass transit
8 facilities, and other infrastructure that, in the
9 determination of the Department, are necessary or appropriate
10 in connection with the development or operation of the South
11 Suburban Airport. The development of the South Suburban Airport
12 also includes acquisition and development of any land or
13 facilities for (i) relocation of persons, including providing
14 replacement housing or facilities for persons and entities
15 displaced by that development, (ii) protecting or reclaiming
16 the environment with respect to the South Suburban Airport,
17 (iii) providing substitute or replacement property or
18 facilities, including, without limitation, for areas of
19 recreation, conservation, open space, and wetlands, (iv)
20 providing navigational aids, or (v) utilities to serve the
21 airport, whether or not located on the site of the South
22 Suburban Airport.

23 (b) The Department shall have the authority to undertake
24 and complete all ongoing projects related to the South Suburban
25 Airport, including the South Suburban Airport Master Plan, and
26 assisting the Federal Aviation Administration in preparing and

1 approving the Environmental Impact Statement and Record of
2 Decision.

3 (c) The Department has the power to enter into all
4 contracts useful for carrying out its purposes and powers,
5 including, without limitation, public-private agreements
6 pursuant to the provisions of this Act, ~~+~~ leases of any of its
7 property or facilities, use agreements with airlines or other
8 airport users relating to the South Suburban Airport,
9 agreements with South Suburban Airport concessionaires, and
10 franchise agreements for use of or access to South Suburban
11 Airport facilities.

12 (d) The Department has the power to apply to the proper
13 authorities of the United States, the State of Illinois, and
14 other governmental entities, as permitted or authorized by
15 applicable law, to obtain any licenses, approvals, or permits
16 reasonably necessary to achieve the purposes of this Act. All
17 applications to the Federal Aviation Administration, or any
18 successor agency, shall be made by the Department.

19 (e) The Department may take all steps consistent with
20 applicable laws to maximize funding for the costs of the South
21 Suburban Airport from grants by the Federal Aviation
22 Administration or any successor agency, or any other federal
23 governmental agency.

24 (f) The Department has the power to apply to the proper
25 authorities of the United States pursuant to appropriate law
26 for permission to establish, operate, maintain, and lease

1 foreign trade zones and sub-zones within the areas of the South
2 Suburban Airport and to establish, operate, maintain, and lease
3 foreign trade zones and sub-zones.

4 (g) The Department may publicize, advertise, and promote
5 the activities of the South Suburban Airport, including~~7~~ to
6 make known the advantages, facilities, resources, products,
7 attractions, and attributes of the South Suburban Airport.

8 (h) The Department may, at any time, acquire any land, any
9 interests in land, other property, and interests in property
10 needed for the South Suburban Airport or necessary to carry out
11 the Department's powers and functions under this Act, including
12 by exercise of the power of eminent domain pursuant to Section
13 2-100 of this Act. The Department shall also have the power to
14 dispose of any such lands, interests, and property upon terms
15 it deems appropriate.

16 (i) The Department may adopt any reasonable rules for the
17 administration of this Act in accordance with the Illinois
18 Administrative Procedure Act.

19 (Source: P.A. 98-109, eff. 7-25-13; revised 12-10-14.)

20 Section 465. The Illinois Vehicle Code is amended by
21 changing Sections 3-102, 3-109, 3-400, 3-413, 3-701, 5-101,
22 5-102, 6-113, 7-311, 11-601, 11-709.2, 12-215, and 15-111 and
23 the heading of Chapter 11 of Article V as follows:

24 (625 ILCS 5/3-102) (from Ch. 95 1/2, par. 3-102)

1 Sec. 3-102. Exclusions. No certificate of title need be
2 obtained for:

3 1. a ~~A~~ vehicle owned by the State of Illinois; or a
4 vehicle owned by the United States unless it is registered
5 in this State;

6 2. a ~~A~~ vehicle owned by a manufacturer or dealer and
7 held for sale, even though incidentally moved on the
8 highway or used for purposes of testing or demonstration,
9 provided a dealer reassignment area is still available on
10 the manufacturer's certificate of origin or the Illinois
11 title; or a vehicle used by a manufacturer solely for
12 testing;

13 3. a ~~A~~ vehicle owned by a non-resident of this State
14 and not required by law to be registered in this State;

15 4. a ~~A~~ motor vehicle regularly engaged in the
16 interstate transportation of persons or property for which
17 a currently effective certificate of title has been issued
18 in another State;

19 5. a ~~A~~ vehicle moved solely by animal power;

20 6. an ~~An~~ implement of husbandry;

21 7. special ~~Special~~ mobile equipment;

22 8. an ~~An~~ apportionable trailer or an apportionable
23 semitrailer registered in the State prior to April 1,
24 1998;~~:-~~

25 9. a ~~A~~ manufactured home for which an affidavit of
26 affixation has been recorded pursuant to the Conveyance and

1 Encumbrance of Manufactured Homes as Real Property and
2 Severance Act unless with respect to the same manufactured
3 home there has been recorded an affidavit of severance
4 pursuant to that Act.

5 (Source: P.A. 98-749, eff. 7-16-14; revised 12-10-14.)

6 (625 ILCS 5/3-109) (from Ch. 95 1/2, par. 3-109)

7 Sec. 3-109. Registration without certificate of title;
8 bond. If the Secretary of State is not satisfied as to the
9 ownership of the vehicle, including, but not limited to, in the
10 case of a manufactured home, a circumstance in which the
11 manufactured home is covered by a Manufacturer's Statement of
12 Origin that the owner of the manufactured home, after diligent
13 search and inquiry, is unable to produce, or that there are no
14 undisclosed security interests in it, the Secretary of State
15 may register the vehicle but shall:

16 (a) Withhold issuance of a certificate of title until
17 the applicant presents documents reasonably sufficient to
18 satisfy the Secretary of State as to the applicant's
19 ownership of the vehicle and that there are no undisclosed
20 security interests in it;

21 (b) As a condition of issuing a certificate of title,
22 require the applicant to file with the Secretary of State a
23 bond in the form prescribed by the Secretary of State and
24 executed by the applicant, and either accompanied by the
25 deposit of cash with the Secretary of State or also

1 executed by a person authorized to conduct a surety
2 business in this State. The bond shall be in an amount
3 equal to one and one-half times the value of the vehicle as
4 determined by the Secretary of State and conditioned to
5 indemnify any prior owner and lienholder and any subsequent
6 purchaser of the vehicle or person acquiring any security
7 interest in it, and their respective successors in
8 interest, against any expense, loss or damage, including
9 reasonable attorney's fees, by reason of the issuance of
10 the certificate of title of the vehicle or on account of
11 any defect in or undisclosed security interest upon the
12 right, title and interest of the applicant in and to the
13 vehicle. Any such interested person has a right of action
14 to recover on the bond for any breach of its conditions,
15 but the aggregate liability of the surety to all persons
16 shall not exceed the amount of the bond. The bond, and any
17 deposit accompanying it, shall be returned at the end of 3
18 ~~three (3)~~ years or prior thereto if (i) the vehicle is no
19 longer registered in this State and the currently valid
20 certificate of title is surrendered to the Secretary of
21 State or (ii) ~~;~~ in the case of a certificate of title to a
22 manufactured home, the currently valid certificate of
23 title is surrendered to the Secretary of State in
24 accordance with Section 3-116.2~~;~~ unless the Secretary of
25 State has been notified of the pendency of an action to
26 recover on the bond; or

1 (b-5) Require the applicant to file with the Secretary
2 of State an application for a provisional title in the form
3 prescribed by the Secretary and executed by the applicant,
4 and accompanied by a \$50 fee to be deposited in the
5 CDLIS/AAMVAnet/NMVTIS Trust Fund. The Secretary shall
6 designate by rule the documentation acceptable for an
7 individual to apply for a provisional title. A provisional
8 title shall be valid for 3 years and is nontransferable for
9 the 3-year period. A provisional title shall be clearly
10 marked and otherwise distinguished from a certificate of
11 title. Three years after the issuance of a provisional
12 title, the provisional title holder shall apply for the
13 appropriate transferrable title in the applicant's name.
14 If a claim of ownership for the vehicle is brought against
15 a holder of a provisional title, then the provisional title
16 holder shall apply for a bond under subsection (b) of this
17 Section for the amount of time remaining on the provisional
18 title. A provisional title holder or an individual who
19 asserts a claim to the motor vehicle may petition a circuit
20 court of competent jurisdiction for an order to determine
21 the ownership of the vehicle. A provisional title shall not
22 be available to individuals or entities that rebuild,
23 repair, store, or tow vehicles or have a claim against the
24 vehicle under the Labor and Storage Lien Act or the Labor
25 and Storage Lien (Small Amount) Act.

26 Security deposited as a bond hereunder shall be placed

1 by the Secretary of State in the custody of the State
2 Treasurer.

3 ~~(e)~~ During July, annually, the Secretary shall compile a
4 list of all bonds on deposit, pursuant to this Section, for
5 more than 3 years and concerning which he has received no
6 notice as to the pendency of any judicial proceeding that could
7 affect the disposition thereof. Thereupon, he shall promptly
8 send a notice by certified mail to the last known address of
9 each depositor advising him that his bond will be subject to
10 escheat to the State of Illinois if not claimed within 30 days
11 after the mailing date of such notice. At the expiration of
12 such time, the Secretary of State shall file with the State
13 Treasurer an order directing the transfer of such deposit to
14 the Road Fund in the State Treasury. Upon receipt of such
15 order, the State Treasurer shall make such transfer, after
16 converting to cash any other type of security. Thereafter any
17 person having a legal claim against such deposit may enforce it
18 by appropriate proceedings in the Court of Claims subject to
19 the limitations prescribed for such Court. At the expiration of
20 such limitation period such deposit shall escheat to the State
21 of Illinois.

22 (Source: P.A. 98-749, eff. 7-16-14; 98-777, eff. 1-1-15;
23 revised 10-2-14.)

24 (625 ILCS 5/3-400) (from Ch. 95 1/2, par. 3-400)

25 Sec. 3-400. Definitions. Notwithstanding the definitions

1 ~~definition~~ set forth in Chapter 1 of this Act, for the purposes
2 of this Article, the following words shall have the meaning
3 ascribed to them as follows:

4 "Apportionable Fee" means any periodic recurring fee
5 required for licensing or registering vehicles, such as, but
6 not limited to, registration fees, license or weight fees.

7 "Apportionable Vehicle" means any vehicle, except
8 recreational vehicles, vehicles displaying restricted plates,
9 city pickup and delivery vehicles, buses used in transportation
10 of chartered parties, and government owned vehicles that are
11 used or intended for use in 2 or more member jurisdictions that
12 allocate or proportionally register vehicles, in a fleet which
13 is used for the transportation of persons for hire or the
14 transportation of property and which has a gross vehicle weight
15 in excess of 26,000 pounds; or has three or more axles
16 regardless of weight; or is used in combination when the weight
17 of such combination exceeds 26,000 pounds gross vehicle weight.
18 Vehicles, or combinations having a gross vehicle weight of
19 26,000 pounds or less and two-axle vehicles may be
20 proportionally registered at the option of such owner.

21 "Base Jurisdiction" means, for purposes of fleet
22 registration, the jurisdiction where the registrant has an
23 established place of business, where operational records of the
24 fleet are maintained and where mileage is accrued by the fleet.
25 In case a registrant operates more than one fleet, and
26 maintains records for each fleet in different places, the "base

1 jurisdiction" for a fleet shall be the jurisdiction where an
2 established place of business is maintained, where records of
3 the operation of that fleet are maintained and where mileage is
4 accrued by that fleet.

5 "Operational Records" means documents supporting miles
6 traveled in each jurisdiction and total miles traveled, such as
7 fuel reports, trip leases, and logs.

8 "Owner" means a ~~Owner.~~ A person who holds legal title of a
9 motor vehicle, or in the event a motor vehicle is the subject
10 of an agreement for the conditional sale or lease thereof with
11 the right of purchase upon performance of the conditions stated
12 in the agreement and with an immediate right of possession
13 vested in the conditional vendee or lessee with right of
14 purchase, or in the event a mortgagor of such motor vehicle is
15 entitled to possession, or in the event a lessee of such motor
16 vehicle is entitled to possession or control, then such
17 conditional vendee or lessee with right of purchase or
18 mortgagor or lessee is considered to be the owner for the
19 purpose of this Act.

20 "Registration plate cover" means any tinted, colored,
21 painted, marked, clear, or illuminated object that is designed
22 to (i) cover any of the characters of a motor vehicle's
23 registration plate; or (ii) distort a recorded image of any of
24 the characters of a motor vehicle's registration plate recorded
25 by an automated enforcement system as defined in Section
26 11-208.6, 11-208.8, or 11-1201.1 of this Code or recorded by an

1 automated traffic control system as defined in Section 15 of
2 the Automated Traffic Control Systems in Highway Construction
3 or Maintenance Zones Act.

4 "Rental Owner" means an owner principally engaged, with
5 respect to one or more rental fleets, in renting to others or
6 offering for rental the vehicles of such fleets, without
7 drivers.

8 "Restricted Plates" shall include, but ~~is~~ are not limited
9 to, ~~dealer, manufacturer, transporter, farm, reposessor, and~~
10 permanently mounted type plates. Vehicles displaying any of
11 these type plates from a foreign jurisdiction that is a member
12 of the International Registration Plan shall be granted
13 reciprocity but shall be subject to the same limitations as
14 similar plated Illinois registered vehicles.

15 (Source: P.A. 97-743, eff. 1-1-13; 98-463, eff. 8-16-13;
16 revised 2-7-15.)

17 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

18 Sec. 3-413. Display of registration plates, registration
19 stickers, and drive-away permits; registration plate covers.

20 (a) Registration plates issued for a motor vehicle other
21 than a motorcycle, auticycle, trailer, semitrailer,
22 truck-tractor, apportioned bus, or apportioned truck shall be
23 attached thereto, one in the front and one in the rear. The
24 registration plate issued for a motorcycle, auticycle, trailer
25 or semitrailer required to be registered hereunder and any

1 apportionment plate issued to a bus under the provisions of
2 this Code shall be attached to the rear thereof. The
3 registration plate issued for a truck-tractor or an apportioned
4 truck required to be registered hereunder shall be attached to
5 the front thereof.

6 (b) Every registration plate shall at all times be securely
7 fastened in a horizontal position to the vehicle for which it
8 is issued so as to prevent the plate from swinging and at a
9 height of not less than 5 inches from the ground, measuring
10 from the bottom of such plate, in a place and position to be
11 clearly visible and shall be maintained in a condition to be
12 clearly legible, free from any materials that would obstruct
13 the visibility of the plate. A registration plate on a
14 motorcycle may be mounted vertically as long as it is otherwise
15 clearly visible. Registration stickers issued as evidence of
16 renewed annual registration shall be attached to registration
17 plates as required by the Secretary of State, and be clearly
18 visible at all times.

19 (c) Every drive-away permit issued pursuant to this Code
20 shall be firmly attached to the motor vehicle in the manner
21 prescribed by the Secretary of State. If a drive-away permit is
22 affixed to a motor vehicle in any other manner the permit shall
23 be void and of no effect.

24 (d) The Illinois prorated decal issued to a foreign
25 registered vehicle part of a fleet prorated or apportioned with
26 Illinois, shall be displayed on a registration plate and

1 displayed on the front of such vehicle in the same manner as an
2 Illinois registration plate.

3 (e) The registration plate issued for a camper body mounted
4 on a truck displaying registration plates shall be attached to
5 the rear of the camper body.

6 (f) No person shall operate a vehicle, nor permit the
7 operation of a vehicle, upon which is displayed an Illinois
8 registration plate, plates or registration stickers, except as
9 provided for in subsection (b) of Section 3-701 of this Code,
10 after the termination of the registration period for which
11 issued or after the expiration date set pursuant to Sections
12 3-414 and 3-414.1 of this Code.

13 (g) A person may not operate any motor vehicle that is
14 equipped with registration plate covers. A violation of this
15 subsection (g) or a similar provision of a local ordinance is
16 an offense against laws and ordinances regulating the movement
17 of traffic.

18 (h) A person may not sell or offer for sale a registration
19 plate cover. A violation of this subsection (h) is a business
20 offense.

21 (i) A person may not advertise for the purpose of promoting
22 the sale of registration plate covers. A violation of this
23 subsection (i) is a business offense.

24 (j) A person may not modify the original manufacturer's
25 mounting location of the rear registration plate on any vehicle
26 so as to conceal the registration or to knowingly cause it to

1 be obstructed in an effort to hinder a peace officer from
2 obtaining the registration for the enforcement of a violation
3 of this Code, Section 27.1 of the Toll Highway Act concerning
4 toll evasion, or any municipal ordinance. Modifications
5 prohibited by this subsection (j) include but are not limited
6 to the use of an electronic device. A violation of this
7 subsection (j) is a Class A misdemeanor.

8 (Source: P.A. 97-743, eff. 1-1-13; 98-777, eff. 1-1-15;
9 98-1103, eff. 1-1-15; revised 10-1-14.)

10 (625 ILCS 5/3-701) (from Ch. 95 1/2, par. 3-701)

11 Sec. 3-701. Operation of vehicles without evidence of
12 registration - Operation under mileage plates when odometer
13 broken or disconnected.

14 (a) No person shall operate, nor shall an owner knowingly
15 permit to be operated, except as provided in subsection (b) of
16 this Section, a vehicle upon any highway unless there shall be
17 attached thereto and displayed thereon when and as required by
18 law, proper evidence of registration in Illinois, as follows:

19 (1) A vehicle required to be registered in Illinois. A
20 current and valid Illinois registration sticker or
21 stickers and plate or plates, or an Illinois temporary
22 registration permit, or a drive-away or in-transit permit,
23 issued therefor by the Secretary of State. ~~or~~

24 (2) A vehicle eligible for Reciprocity. A current and
25 valid reciprocal foreign registration plate or plates

1 properly issued to such vehicle or a temporary registration
2 issued therefor, by the reciprocal State, and, in addition,
3 when required by the Secretary, a current and valid
4 Illinois Reciprocity Permit or Prorate Decal issued
5 therefor by the Secretary of State; or except as otherwise
6 expressly provided for in this Chapter.

7 (3) A vehicle commuting for repairs in Illinois. A
8 dealer plate issued by a foreign state shall exempt a
9 vehicle from the requirements of this Section if the
10 vehicle is being operated for the purpose of transport to a
11 repair facility in Illinois to have repairs performed on
12 the vehicle displaying foreign dealer plates. The driver of
13 the motor vehicle bearing dealer plates shall provide a
14 work order or contract with the repair facility to a law
15 enforcement officer upon request.

16 (b) A person may operate or permit operation of a vehicle
17 upon any highway a vehicle that has been properly registered
18 but does not display a current and valid Illinois registration
19 sticker if he or she has proof, in the form of a printed
20 receipt from the Secretary, that he or she registered the
21 vehicle before the previous registration's expiration but has
22 not received a new registration sticker from the Secretary.
23 This printed proof of registration is valid for 30 days from
24 the expiration of the previous registration sticker's date.

25 (c) No person shall operate, nor shall any owner knowingly
26 permit to be operated, any vehicle of the second division for

1 which the owner has made an election to pay the mileage tax in
2 lieu of the annual flat weight tax, at any time when the
3 odometer of such vehicle is broken or disconnected, or is
4 inoperable or not operating.

5 (Source: P.A. 98-971, eff. 1-1-15; 98-1103, eff. 1-1-15;
6 revised 10-3-14.)

7 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

8 Sec. 5-101. New vehicle dealers must be licensed.

9 (a) No person shall engage in this State in the business of
10 selling or dealing in, on consignment or otherwise, new
11 vehicles of any make, or act as an intermediary or agent or
12 broker for any licensed dealer or vehicle purchaser other than
13 as a salesperson, or represent or advertise that he is so
14 engaged or intends to so engage in such business unless
15 licensed to do so in writing by the Secretary of State under
16 the provisions of this Section.

17 (b) An application for a new vehicle dealer's license shall
18 be filed with the Secretary of State, duly verified by oath, on
19 such form as the Secretary of State may by rule or regulation
20 prescribe and shall contain:

21 1. The name and type of business organization of the
22 applicant and his established and additional places of
23 business, if any, in this State.

24 2. If the applicant is a corporation, a list of its
25 officers, directors, and shareholders having a ten percent

1 or greater ownership interest in the corporation, setting
2 forth the residence address of each; if the applicant is a
3 sole proprietorship, a partnership, an unincorporated
4 association, a trust, or any similar form of business
5 organization, the name and residence address of the
6 proprietor or of each partner, member, officer, director,
7 trustee, or manager.

8 3. The make or makes of new vehicles which the
9 applicant will offer for sale at retail in this State.

10 4. The name of each manufacturer or franchised
11 distributor, if any, of new vehicles with whom the
12 applicant has contracted for the sale of such new vehicles.
13 As evidence of this fact, the application shall be
14 accompanied by a signed statement from each such
15 manufacturer or franchised distributor. If the applicant
16 is in the business of offering for sale new conversion
17 vehicles, trucks or vans, except for trucks modified to
18 serve a special purpose which includes but is not limited
19 to the following vehicles: street sweepers, fertilizer
20 spreaders, emergency vehicles, implements of husbandry or
21 maintenance type vehicles, he must furnish evidence of a
22 sales and service agreement from both the chassis
23 manufacturer and second stage manufacturer.

24 5. A statement that the applicant has been approved for
25 registration under the Retailers' Occupation Tax Act by the
26 Department of Revenue: Provided that this requirement does

1 not apply to a dealer who is already licensed hereunder
2 with the Secretary of State, and who is merely applying for
3 a renewal of his license. As evidence of this fact, the
4 application shall be accompanied by a certification from
5 the Department of Revenue showing that that Department has
6 approved the applicant for registration under the
7 Retailers' Occupation Tax Act.

8 6. A statement that the applicant has complied with the
9 appropriate liability insurance requirement. A Certificate
10 of Insurance in a solvent company authorized to do business
11 in the State of Illinois shall be included with each
12 application covering each location at which he proposes to
13 act as a new vehicle dealer. The policy must provide
14 liability coverage in the minimum amounts of \$100,000 for
15 bodily injury to, or death of, any person, \$300,000 for
16 bodily injury to, or death of, two or more persons in any
17 one accident, and \$50,000 for damage to property. Such
18 policy shall expire not sooner than December 31 of the year
19 for which the license was issued or renewed. The expiration
20 of the insurance policy shall not terminate the liability
21 under the policy arising during the period for which the
22 policy was filed. Trailer and mobile home dealers are
23 exempt from this requirement.

24 If the permitted user has a liability insurance policy
25 that provides automobile liability insurance coverage of
26 at least \$100,000 for bodily injury to or the death of any

1 person, \$300,000 for bodily injury to or the death of any 2
2 or more persons in any one accident, and \$50,000 for damage
3 to property, then the permitted user's insurer shall be the
4 primary insurer and the dealer's insurer shall be the
5 secondary insurer. If the permitted user does not have a
6 liability insurance policy that provides automobile
7 liability insurance coverage of at least \$100,000 for
8 bodily injury to or the death of any person, \$300,000 for
9 bodily injury to or the death of any 2 or more persons in
10 any one accident, and \$50,000 for damage to property, or
11 does not have any insurance at all, then the dealer's
12 insurer shall be the primary insurer and the permitted
13 user's insurer shall be the secondary insurer.

14 When a permitted user is "test driving" a new vehicle
15 dealer's automobile, the new vehicle dealer's insurance
16 shall be primary and the permitted user's insurance shall
17 be secondary.

18 As used in this paragraph 6, a "permitted user" is a
19 person who, with the permission of the new vehicle dealer
20 or an employee of the new vehicle dealer, drives a vehicle
21 owned and held for sale or lease by the new vehicle dealer
22 which the person is considering to purchase or lease, in
23 order to evaluate the performance, reliability, or
24 condition of the vehicle. The term "permitted user" also
25 includes a person who, with the permission of the new
26 vehicle dealer, drives a vehicle owned or held for sale or

1 lease by the new vehicle dealer for loaner purposes while
2 the user's vehicle is being repaired or evaluated.

3 As used in this paragraph 6, "test driving" occurs when
4 a permitted user who, with the permission of the new
5 vehicle dealer or an employee of the new vehicle dealer,
6 drives a vehicle owned and held for sale or lease by a new
7 vehicle dealer that the person is considering to purchase
8 or lease, in order to evaluate the performance,
9 reliability, or condition of the vehicle.

10 As used in this paragraph 6, "loaner purposes" means
11 when a person who, with the permission of the new vehicle
12 dealer, drives a vehicle owned or held for sale or lease by
13 the new vehicle dealer while the user's vehicle is being
14 repaired or evaluated.

15 7. (A) An application for a new motor vehicle dealer's
16 license shall be accompanied by the following license fees:

17 (i) \$1,000 for applicant's established place of
18 business, and \$100 for each additional place of
19 business, if any, to which the application pertains;
20 but if the application is made after June 15 of any
21 year, the license fee shall be \$500 for applicant's
22 established place of business plus \$50 for each
23 additional place of business, if any, to which the
24 application pertains. License fees shall be returnable
25 only in the event that the application is denied by the
26 Secretary of State. All moneys received by the

1 Secretary of State as license fees under this
2 subparagraph (i) prior to applications for the 2004
3 licensing year shall be deposited into the Motor
4 Vehicle Review Board Fund and shall be used to
5 administer the Motor Vehicle Review Board under the
6 Motor Vehicle Franchise Act. Of the money received by
7 the Secretary of State as license fees under this
8 subparagraph (i) for the 2004 licensing year and
9 thereafter, 10% shall be deposited into the Motor
10 Vehicle Review Board Fund and shall be used to
11 administer the Motor Vehicle Review Board under the
12 Motor Vehicle Franchise Act and 90% shall be deposited
13 into the General Revenue Fund.

14 (ii) Except for dealers selling 25 or fewer
15 automobiles or as provided in subsection (h) of Section
16 5-102.7 of this Code, an Annual Dealer Recovery Fund
17 Fee in the amount of \$500 for the applicant's
18 established place of business, and \$50 for each
19 additional place of business, if any, to which the
20 application pertains; but if the application is made
21 after June 15 of any year, the fee shall be \$250 for
22 the applicant's established place of business plus \$25
23 for each additional place of business, if any, to which
24 the application pertains. For a license renewal
25 application, the fee shall be based on the amount of
26 automobiles sold in the past year according to the

1 following formula:

2 (1) \$0 for dealers selling 25 or less
3 automobiles;

4 (2) \$150 for dealers selling more than 25 but
5 less than 200 automobiles;

6 (3) \$300 for dealers selling 200 or more
7 automobiles but less than 300 automobiles; and

8 (4) \$500 for dealers selling 300 or more
9 automobiles.

10 License fees shall be returnable only in the event
11 that the application is denied by the Secretary of
12 State. Moneys received under this subparagraph (ii)
13 shall be deposited into the Dealer Recovery Trust Fund.

14 (B) An application for a new vehicle dealer's license,
15 other than for a new motor vehicle dealer's license, shall
16 be accompanied by the following license fees:

17 (i) \$1,000 for applicant's established place of
18 business, and \$50 for each additional place of
19 business, if any, to which the application pertains;
20 but if the application is made after June 15 of any
21 year, the license fee shall be \$500 for applicant's
22 established place of business plus \$25 for each
23 additional place of business, if any, to which the
24 application pertains. License fees shall be returnable
25 only in the event that the application is denied by the
26 Secretary of State. Of the money received by the

1 Secretary of State as license fees under this
2 subparagraph (i) for the 2004 licensing year and
3 thereafter, 95% shall be deposited into the General
4 Revenue Fund.

5 (ii) Except as provided in subsection (h) of
6 Section 5-102.7 of this Code, an Annual Dealer Recovery
7 Fund Fee in the amount of \$500 for the applicant's
8 established place of business, and \$50 for each
9 additional place of business, if any, to which the
10 application pertains; but if the application is made
11 after June 15 of any year, the fee shall be \$250 for
12 the applicant's established place of business plus \$25
13 for each additional place of business, if any, to which
14 the application pertains. License fees shall be
15 returnable only in the event that the application is
16 denied by the Secretary of State. Moneys received under
17 this subparagraph (ii) shall be deposited into the
18 Dealer Recovery Trust Fund.

19 8. A statement that the applicant's officers,
20 directors, shareholders having a 10% or greater ownership
21 interest therein, proprietor, a partner, member, officer,
22 director, trustee, manager or other principals in the
23 business have not committed in the past 3 years any one
24 violation as determined in any civil, criminal or
25 administrative proceedings of any one of the following
26 Acts:

1 (A) The Anti-Theft ~~Anti-Theft~~ Laws of the Illinois
2 Vehicle Code;

3 (B) The Certificate of Title Laws of the Illinois
4 Vehicle Code;

5 (C) The Offenses against Registration and
6 Certificates of Title Laws of the Illinois Vehicle
7 Code;

8 (D) The Dealers, Transporters, Wreckers and
9 Rebuilders Laws of the Illinois Vehicle Code;

10 (E) Section 21-2 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, Criminal Trespass to
12 Vehicles; or

13 (F) The Retailers' Occupation Tax Act.

14 9. A statement that the applicant's officers,
15 directors, shareholders having a 10% or greater ownership
16 interest therein, proprietor, partner, member, officer,
17 director, trustee, manager or other principals in the
18 business have not committed in any calendar year 3 or more
19 violations, as determined in any civil, criminal or
20 administrative proceedings, of any one or more of the
21 following Acts:

22 (A) The Consumer Finance Act;

23 (B) The Consumer Installment Loan Act;

24 (C) The Retail Installment Sales Act;

25 (D) The Motor Vehicle Retail Installment Sales
26 Act;

- 1 (E) The Interest Act;
- 2 (F) The Illinois Wage Assignment Act;
- 3 (G) Part 8 of Article XII of the Code of Civil
- 4 Procedure; or
- 5 (H) The Consumer Fraud Act.

6 10. A bond or certificate of deposit in the amount of

7 \$20,000 for each location at which the applicant intends to

8 act as a new vehicle dealer. The bond shall be for the term

9 of the license, or its renewal, for which application is

10 made, and shall expire not sooner than December 31 of the

11 year for which the license was issued or renewed. The bond

12 shall run to the People of the State of Illinois, with

13 surety by a bonding or insurance company authorized to do

14 business in this State. It shall be conditioned upon the

15 proper transmittal of all title and registration fees and

16 taxes (excluding taxes under the Retailers' Occupation Tax

17 Act) accepted by the applicant as a new vehicle dealer.

18 11. Such other information concerning the business of

19 the applicant as the Secretary of State may by rule or

20 regulation prescribe.

21 12. A statement that the applicant understands Chapter

22 1 ~~One~~ through Chapter 5 ~~Five~~ of this Code.

23 (c) Any change which renders no longer accurate any

24 information contained in any application for a new vehicle

25 dealer's license shall be amended within 30 days after the

26 occurrence of such change on such form as the Secretary of

1 State may prescribe by rule or regulation, accompanied by an
2 amendatory fee of \$2.

3 (d) Anything in this Chapter 5 to the contrary
4 notwithstanding no person shall be licensed as a new vehicle
5 dealer unless:

6 1. He is authorized by contract in writing between
7 himself and the manufacturer or franchised distributor of
8 such make of vehicle to so sell the same in this State, and

9 2. Such person shall maintain an established place of
10 business as defined in this Act.

11 (e) The Secretary of State shall, within a reasonable time
12 after receipt, examine an application submitted to him under
13 this Section and unless he makes a determination that the
14 application submitted to him does not conform with the
15 requirements of this Section or that grounds exist for a denial
16 of the application, under Section 5-501 of this Chapter, grant
17 the applicant an original new vehicle dealer's license in
18 writing for his established place of business and a
19 supplemental license in writing for each additional place of
20 business in such form as he may prescribe by rule or regulation
21 which shall include the following:

22 1. The name of the person licensed;

23 2. If a corporation, the name and address of its
24 officers or if a sole proprietorship, a partnership, an
25 unincorporated association or any similar form of business
26 organization, the name and address of the proprietor or of

1 each partner, member, officer, director, trustee or
2 manager;

3 3. In the case of an original license, the established
4 place of business of the licensee;

5 4. In the case of a supplemental license, the
6 established place of business of the licensee and the
7 additional place of business to which such supplemental
8 license pertains;

9 5. The make or makes of new vehicles which the licensee
10 is licensed to sell.

11 (f) The appropriate instrument evidencing the license or a
12 certified copy thereof, provided by the Secretary of State,
13 shall be kept posted conspicuously in the established place of
14 business of the licensee and in each additional place of
15 business, if any, maintained by such licensee.

16 (g) Except as provided in subsection (h) hereof, all new
17 vehicle dealer's licenses granted under this Section shall
18 expire by operation of law on December 31 of the calendar year
19 for which they are granted unless sooner revoked or cancelled
20 under the provisions of Section 5-501 of this Chapter.

21 (h) A new vehicle dealer's license may be renewed upon
22 application and payment of the fee required herein, and
23 submission of proof of coverage under an approved bond under
24 the "Retailers' Occupation Tax Act" or proof that applicant is
25 not subject to such bonding requirements, as in the case of an
26 original license, but in case an application for the renewal of

1 an effective license is made during the month of December, the
2 effective license shall remain in force until the application
3 is granted or denied by the Secretary of State.

4 (i) All persons licensed as a new vehicle dealer are
5 required to furnish each purchaser of a motor vehicle:

6 1. In the case of a new vehicle a manufacturer's
7 statement of origin and in the case of a used motor vehicle
8 a certificate of title, in either case properly assigned to
9 the purchaser;

10 2. A statement verified under oath that all identifying
11 numbers on the vehicle agree with those on the certificate
12 of title or manufacturer's statement of origin;

13 3. A bill of sale properly executed on behalf of such
14 person;

15 4. A copy of the Uniform Invoice-transaction reporting
16 return referred to in Section 5-402 hereof;

17 5. In the case of a rebuilt vehicle, a copy of the
18 Disclosure of Rebuilt Vehicle Status; and

19 6. In the case of a vehicle for which the warranty has
20 been reinstated, a copy of the warranty.

21 (j) Except at the time of sale or repossession of the
22 vehicle, no person licensed as a new vehicle dealer may issue
23 any other person a newly created key to a vehicle unless the
24 new vehicle dealer makes a copy of the driver's license or
25 State identification card of the person requesting or obtaining
26 the newly created key. The new vehicle dealer must retain the

1 copy for 30 days.

2 A new vehicle dealer who violates this subsection (j) is
3 guilty of a petty offense. Violation of this subsection (j) is
4 not cause to suspend, revoke, cancel, or deny renewal of the
5 new vehicle dealer's license.

6 This amendatory Act of 1983 shall be applicable to the 1984
7 registration year and thereafter.

8 (Source: P.A. 97-480, eff. 10-1-11; 97-1150, eff. 1-25-13;
9 98-450, eff. 1-1-14; revised 12-10-14.)

10 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

11 Sec. 5-102. Used vehicle dealers must be licensed.

12 (a) No person, other than a licensed new vehicle dealer,
13 shall engage in the business of selling or dealing in, on
14 consignment or otherwise, 5 or more used vehicles of any make
15 during the year (except house trailers as authorized by
16 paragraph (j) of this Section and rebuilt salvage vehicles sold
17 by their rebuilders to persons licensed under this Chapter), or
18 act as an intermediary, agent or broker for any licensed dealer
19 or vehicle purchaser (other than as a salesperson) or represent
20 or advertise that he is so engaged or intends to so engage in
21 such business unless licensed to do so by the Secretary of
22 State under the provisions of this Section.

23 (b) An application for a used vehicle dealer's license
24 shall be filed with the Secretary of State, duly verified by
25 oath, in such form as the Secretary of State may by rule or

1 regulation prescribe and shall contain:

2 1. The name and type of business organization
3 established and additional places of business, if any, in
4 this State.

5 2. If the applicant is a corporation, a list of its
6 officers, directors, and shareholders having a ten percent
7 or greater ownership interest in the corporation, setting
8 forth the residence address of each; if the applicant is a
9 sole proprietorship, a partnership, an unincorporated
10 association, a trust, or any similar form of business
11 organization, the names and residence address of the
12 proprietor or of each partner, member, officer, director,
13 trustee or manager.

14 3. A statement that the applicant has been approved for
15 registration under the Retailers' Occupation Tax Act by the
16 Department of Revenue. However, this requirement does not
17 apply to a dealer who is already licensed hereunder with
18 the Secretary of State, and who is merely applying for a
19 renewal of his license. As evidence of this fact, the
20 application shall be accompanied by a certification from
21 the Department of Revenue showing that the Department has
22 approved the applicant for registration under the
23 Retailers' Occupation Tax Act.

24 4. A statement that the applicant has complied with the
25 appropriate liability insurance requirement. A Certificate
26 of Insurance in a solvent company authorized to do business

1 in the State of Illinois shall be included with each
2 application covering each location at which he proposes to
3 act as a used vehicle dealer. The policy must provide
4 liability coverage in the minimum amounts of \$100,000 for
5 bodily injury to, or death of, any person, \$300,000 for
6 bodily injury to, or death of, two or more persons in any
7 one accident, and \$50,000 for damage to property. Such
8 policy shall expire not sooner than December 31 of the year
9 for which the license was issued or renewed. The expiration
10 of the insurance policy shall not terminate the liability
11 under the policy arising during the period for which the
12 policy was filed. Trailer and mobile home dealers are
13 exempt from this requirement.

14 If the permitted user has a liability insurance policy
15 that provides automobile liability insurance coverage of
16 at least \$100,000 for bodily injury to or the death of any
17 person, \$300,000 for bodily injury to or the death of any 2
18 or more persons in any one accident, and \$50,000 for damage
19 to property, then the permitted user's insurer shall be the
20 primary insurer and the dealer's insurer shall be the
21 secondary insurer. If the permitted user does not have a
22 liability insurance policy that provides automobile
23 liability insurance coverage of at least \$100,000 for
24 bodily injury to or the death of any person, \$300,000 for
25 bodily injury to or the death of any 2 or more persons in
26 any one accident, and \$50,000 for damage to property, or

1 does not have any insurance at all, then the dealer's
2 insurer shall be the primary insurer and the permitted
3 user's insurer shall be the secondary insurer.

4 When a permitted user is "test driving" a used vehicle
5 dealer's automobile, the used vehicle dealer's insurance
6 shall be primary and the permitted user's insurance shall
7 be secondary.

8 As used in this paragraph 4, a "permitted user" is a
9 person who, with the permission of the used vehicle dealer
10 or an employee of the used vehicle dealer, drives a vehicle
11 owned and held for sale or lease by the used vehicle dealer
12 which the person is considering to purchase or lease, in
13 order to evaluate the performance, reliability, or
14 condition of the vehicle. The term "permitted user" also
15 includes a person who, with the permission of the used
16 vehicle dealer, drives a vehicle owned or held for sale or
17 lease by the used vehicle dealer for loaner purposes while
18 the user's vehicle is being repaired or evaluated.

19 As used in this paragraph 4, "test driving" occurs when
20 a permitted user who, with the permission of the used
21 vehicle dealer or an employee of the used vehicle dealer,
22 drives a vehicle owned and held for sale or lease by a used
23 vehicle dealer that the person is considering to purchase
24 or lease, in order to evaluate the performance,
25 reliability, or condition of the vehicle.

26 As used in this paragraph 4, "loaner purposes" means

1 when a person who, with the permission of the used vehicle
2 dealer, drives a vehicle owned or held for sale or lease by
3 the used vehicle dealer while the user's vehicle is being
4 repaired or evaluated.

5 5. An application for a used vehicle dealer's license
6 shall be accompanied by the following license fees:

7 (A) \$1,000 for applicant's established place of
8 business, and \$50 for each additional place of
9 business, if any, to which the application pertains;
10 however, if the application is made after June 15 of
11 any year, the license fee shall be \$500 for applicant's
12 established place of business plus \$25 for each
13 additional place of business, if any, to which the
14 application pertains. License fees shall be returnable
15 only in the event that the application is denied by the
16 Secretary of State. Of the money received by the
17 Secretary of State as license fees under this
18 subparagraph (A) for the 2004 licensing year and
19 thereafter, 95% shall be deposited into the General
20 Revenue Fund.

21 (B) Except for dealers selling 25 or fewer
22 automobiles or as provided in subsection (h) of Section
23 5-102.7 of this Code, an Annual Dealer Recovery Fund
24 Fee in the amount of \$500 for the applicant's
25 established place of business, and \$50 for each
26 additional place of business, if any, to which the

1 application pertains; but if the application is made
2 after June 15 of any year, the fee shall be \$250 for
3 the applicant's established place of business plus \$25
4 for each additional place of business, if any, to which
5 the application pertains. For a license renewal
6 application, the fee shall be based on the amount of
7 automobiles sold in the past year according to the
8 following formula:

9 (1) \$0 for dealers selling 25 or less
10 automobiles;

11 (2) \$150 for dealers selling more than 25 but
12 less than 200 automobiles;

13 (3) \$300 for dealers selling 200 or more
14 automobiles but less than 300 automobiles; and

15 (4) \$500 for dealers selling 300 or more
16 automobiles.

17 License fees shall be returnable only in the event
18 that the application is denied by the Secretary of
19 State. Moneys received under this subparagraph (B)
20 shall be deposited into the Dealer Recovery Trust Fund.

21 6. A statement that the applicant's officers,
22 directors, shareholders having a 10% or greater ownership
23 interest therein, proprietor, partner, member, officer,
24 director, trustee, manager or other principals in the
25 business have not committed in the past 3 years any one
26 violation as determined in any civil, criminal or

1 administrative proceedings of any one of the following
2 Acts:

3 (A) The Anti-Theft ~~Anti-Theft~~ Laws of the Illinois
4 Vehicle Code;

5 (B) The Certificate of Title Laws of the Illinois
6 Vehicle Code;

7 (C) The Offenses against Registration and
8 Certificates of Title Laws of the Illinois Vehicle
9 Code;

10 (D) The Dealers, Transporters, Wreckers and
11 Rebuilders Laws of the Illinois Vehicle Code;

12 (E) Section 21-2 of the Illinois Criminal Code of
13 1961 or the Criminal Code of 2012, Criminal Trespass to
14 Vehicles; or

15 (F) The Retailers' Occupation Tax Act.

16 7. A statement that the applicant's officers,
17 directors, shareholders having a 10% or greater ownership
18 interest therein, proprietor, partner, member, officer,
19 director, trustee, manager or other principals in the
20 business have not committed in any calendar year 3 or more
21 violations, as determined in any civil or criminal or
22 administrative proceedings, of any one or more of the
23 following Acts:

24 (A) The Consumer Finance Act;

25 (B) The Consumer Installment Loan Act;

26 (C) The Retail Installment Sales Act;

1 (D) The Motor Vehicle Retail Installment Sales
2 Act;

3 (E) The Interest Act;

4 (F) The Illinois Wage Assignment Act;

5 (G) Part 8 of Article XII of the Code of Civil
6 Procedure; or

7 (H) The Consumer Fraud Act.

8 8. A bond or Certificate of Deposit in the amount of
9 \$20,000 for each location at which the applicant intends to
10 act as a used vehicle dealer. The bond shall be for the
11 term of the license, or its renewal, for which application
12 is made, and shall expire not sooner than December 31 of
13 the year for which the license was issued or renewed. The
14 bond shall run to the People of the State of Illinois, with
15 surety by a bonding or insurance company authorized to do
16 business in this State. It shall be conditioned upon the
17 proper transmittal of all title and registration fees and
18 taxes (excluding taxes under the Retailers' Occupation Tax
19 Act) accepted by the applicant as a used vehicle dealer.

20 9. Such other information concerning the business of
21 the applicant as the Secretary of State may by rule or
22 regulation prescribe.

23 10. A statement that the applicant understands Chapter
24 1 through Chapter 5 of this Code.

25 11. A copy of the certification from the prelicensing
26 education program.

1 (c) Any change which renders no longer accurate any
2 information contained in any application for a used vehicle
3 dealer's license shall be amended within 30 days after the
4 occurrence of each change on such form as the Secretary of
5 State may prescribe by rule or regulation, accompanied by an
6 amendatory fee of \$2.

7 (d) Anything in this Chapter to the contrary
8 notwithstanding, no person shall be licensed as a used vehicle
9 dealer unless such person maintains an established place of
10 business as defined in this Chapter.

11 (e) The Secretary of State shall, within a reasonable time
12 after receipt, examine an application submitted to him under
13 this Section. Unless the Secretary makes a determination that
14 the application submitted to him does not conform to this
15 Section or that grounds exist for a denial of the application
16 under Section 5-501 of this Chapter, he must grant the
17 applicant an original used vehicle dealer's license in writing
18 for his established place of business and a supplemental
19 license in writing for each additional place of business in
20 such form as he may prescribe by rule or regulation which shall
21 include the following:

22 1. The name of the person licensed;

23 2. If a corporation, the name and address of its
24 officers or if a sole proprietorship, a partnership, an
25 unincorporated association or any similar form of business
26 organization, the name and address of the proprietor or of

1 each partner, member, officer, director, trustee or
2 manager;

3 3. In case of an original license, the established
4 place of business of the licensee;

5 4. In the case of a supplemental license, the
6 established place of business of the licensee and the
7 additional place of business to which such supplemental
8 license pertains.

9 (f) The appropriate instrument evidencing the license or a
10 certified copy thereof, provided by the Secretary of State
11 shall be kept posted, conspicuously, in the established place
12 of business of the licensee and in each additional place of
13 business, if any, maintained by such licensee.

14 (g) Except as provided in subsection (h) of this Section,
15 all used vehicle dealer's licenses granted under this Section
16 expire by operation of law on December 31 of the calendar year
17 for which they are granted unless sooner revoked or cancelled
18 under Section 5-501 of this Chapter.

19 (h) A used vehicle dealer's license may be renewed upon
20 application and payment of the fee required herein, and
21 submission of proof of coverage by an approved bond under the
22 "Retailers' Occupation Tax Act" or proof that applicant is not
23 subject to such bonding requirements, as in the case of an
24 original license, but in case an application for the renewal of
25 an effective license is made during the month of December, the
26 effective license shall remain in force until the application

1 for renewal is granted or denied by the Secretary of State.

2 (i) All persons licensed as a used vehicle dealer are
3 required to furnish each purchaser of a motor vehicle:

4 1. A certificate of title properly assigned to the
5 purchaser;

6 2. A statement verified under oath that all identifying
7 numbers on the vehicle agree with those on the certificate
8 of title;

9 3. A bill of sale properly executed on behalf of such
10 person;

11 4. A copy of the Uniform Invoice-transaction reporting
12 return referred to in Section 5-402 of this Chapter;

13 5. In the case of a rebuilt vehicle, a copy of the
14 Disclosure of Rebuilt Vehicle Status; and

15 6. In the case of a vehicle for which the warranty has
16 been reinstated, a copy of the warranty.

17 (j) A real estate broker holding a valid certificate of
18 registration issued pursuant to "The Real Estate Brokers and
19 Salesmen License Act" may engage in the business of selling or
20 dealing in house trailers not his own without being licensed as
21 a used vehicle dealer under this Section; however such broker
22 shall maintain a record of the transaction including the
23 following:

24 (1) the name and address of the buyer and seller,

25 (2) the date of sale,

26 (3) a description of the mobile home, including the

1 vehicle identification number, make, model, and year, and
2 (4) the Illinois certificate of title number.

3 The foregoing records shall be available for inspection by
4 any officer of the Secretary of State's Office at any
5 reasonable hour.

6 (k) Except at the time of sale or repossession of the
7 vehicle, no person licensed as a used vehicle dealer may issue
8 any other person a newly created key to a vehicle unless the
9 used vehicle dealer makes a copy of the driver's license or
10 State identification card of the person requesting or obtaining
11 the newly created key. The used vehicle dealer must retain the
12 copy for 30 days.

13 A used vehicle dealer who violates this subsection (k) is
14 guilty of a petty offense. Violation of this subsection (k) is
15 not cause to suspend, revoke, cancel, or deny renewal of the
16 used vehicle dealer's license.

17 (l) Used vehicle dealers licensed under this Section shall
18 provide the Secretary of State a register for the sale at
19 auction of each salvage or junk certificate vehicle. Each
20 register shall include the following information:

21 1. The year, make, model, style and color of the
22 vehicle;

23 2. The vehicle's manufacturer's identification number
24 or, if applicable, the Secretary of State or Illinois
25 Department of State Police identification number;

26 3. The date of acquisition of the vehicle;

1 4. The name and address of the person from whom the
2 vehicle was acquired;

3 5. The name and address of the person to whom any
4 vehicle was disposed, the person's Illinois license number
5 or if the person is an out-of-state salvage vehicle buyer,
6 the license number from the state or jurisdiction where the
7 buyer is licensed; and

8 6. The purchase price of the vehicle.

9 The register shall be submitted to the Secretary of State
10 via written or electronic means within 10 calendar days from
11 the date of the auction.

12 (Source: P.A. 97-480, eff. 10-1-11; 97-1150, eff. 1-25-13;
13 98-450, eff. 1-1-14; revised 12-10-14.)

14 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

15 Sec. 6-113. Restricted licenses and permits.

16 (a) The Secretary of State upon issuing a drivers license
17 or permit shall have the authority whenever good cause appears
18 to impose restrictions suitable to the licensee's driving
19 ability with respect to the type of, or special mechanical
20 control devices required on, a motor vehicle which the licensee
21 may operate or such other restrictions applicable to the
22 licensee as the Secretary of State may determine to be
23 appropriate to assure the safe operation of a motor vehicle by
24 the licensee.

25 (b) The Secretary of State may either issue a special

1 restricted license or permit or may set forth such restrictions
2 upon the usual license or permit form.

3 (c) The Secretary of State may issue a probationary license
4 to a person whose driving privileges have been suspended
5 pursuant to subsection (d) of this Section or subsection (a) (2)
6 of Section 6-206 of this Code. This subsection (c) does not
7 apply to any driver required to possess a CDL for the purpose
8 of operating a commercial motor vehicle. The Secretary of State
9 shall promulgate rules pursuant to the Illinois Administrative
10 Procedure Act, setting forth the conditions and criteria for
11 the issuance and cancellation of probationary licenses.

12 (d) The Secretary of State may upon receiving satisfactory
13 evidence of any violation of the restrictions of such license
14 or permit suspend, revoke or cancel the same without
15 preliminary hearing, but the licensee or permittee shall be
16 entitled to a hearing as in the case of a suspension or
17 revocation.

18 (e) It is unlawful for any person to operate a motor
19 vehicle in any manner in violation of the restrictions imposed
20 on a restricted license or permit issued to him.

21 (f) Whenever the holder of a restricted driving permit is
22 issued a citation for any of the following offenses including
23 similar local ordinances, the restricted driving permit is
24 immediately invalidated:

25 1. Reckless homicide resulting from the operation of a
26 motor vehicle;

1 2. Violation of Section 11-501 of this Act relating to
2 the operation of a motor vehicle while under the influence
3 of intoxicating liquor or narcotic drugs;

4 3. Violation of Section 11-401 of this Act relating to
5 the offense of leaving the scene of a traffic accident
6 involving death or injury;

7 4. Violation of Section 11-504 of this Act relating to
8 the offense of drag racing; or

9 5. Violation of Section 11-506 of this Act relating to
10 the offense of street racing.

11 The police officer issuing the citation shall confiscate
12 the restricted driving permit and forward it, along with the
13 citation, to the Clerk of the Circuit Court of the county in
14 which the citation was issued.

15 (g) The Secretary of State may issue a special restricted
16 license for a period of 48 months to individuals using vision
17 aid arrangements other than standard eyeglasses or contact
18 lenses, allowing the operation of a motor vehicle during
19 nighttime hours. The Secretary of State shall adopt rules
20 defining the terms and conditions by which the individual may
21 obtain and renew this special restricted license. At a minimum,
22 all drivers must meet the following requirements:

23 1. Possess a valid driver's license and have operated a
24 motor vehicle during daylight hours for a period of 12
25 months using vision aid arrangements other than standard
26 eyeglasses or contact lenses.

1 2. Have a driving record that does not include any
2 traffic accidents that occurred during nighttime hours,
3 for which the driver has been found to be at fault, during
4 the 12 months before he or she applied for the special
5 restricted license.

6 3. Successfully complete a road test administered
7 during nighttime hours.

8 The special restricted license holder must submit to the
9 Secretary annually a vision specialist report from his or her
10 ophthalmologist or optometrist that the special restricted
11 license holder's vision has not changed. If the special
12 restricted license holder fails to submit this vision
13 specialist report, the special restricted license shall be
14 cancelled under Section 6-201 of this Code.

15 At a minimum, all drivers renewing this license must meet
16 the following requirements:

17 1. Successfully complete a road test administered
18 during nighttime hours.

19 2. Have a driving record that does not include any
20 traffic accidents that occurred during nighttime hours,
21 for which the driver has been found to be at fault, during
22 the 12 months before he or she applied for the special
23 restricted license.

24 (h) Any driver issued a special restricted license as
25 defined in subsection (g) whose privilege to drive during
26 nighttime hours has been suspended due to an accident occurring

1 during nighttime hours may request a hearing as provided in
2 Section 2-118 of this Code to contest that suspension. If it is
3 determined that the accident for which the driver was at fault
4 was not influenced by the driver's use of vision aid
5 arrangements other than standard eyeglasses or contact lenses,
6 the Secretary may reinstate that driver's privilege to drive
7 during nighttime hours.

8 (i) The Secretary of State may issue a special restricted
9 training permit for a period of 6 months to individuals using
10 vision aid arrangements other than standard eyeglasses or
11 contact lenses, allowing the operation of a motor vehicle
12 between sunset and 10:00 p.m. provided the driver is
13 accompanied by a person holding a valid driver's license
14 without nighttime operation restrictions. The Secretary may
15 adopt rules defining the terms and conditions by which the
16 individual may obtain and renew this special restricted
17 training permit. At a minimum, all persons applying for a
18 special restricted training permit must meet the following
19 requirements:

20 1. Possess a valid driver's license and have operated a
21 motor vehicle during daylight hours for a period of 6
22 months using vision aid arrangements other than standard
23 eyeglasses or contact lenses.

24 2. Have a driving record that does not include any
25 traffic accidents, for which the person has been found to
26 be at fault, during the 6 months before he or she applied

1 for the special restricted training permit.

2 (Source: P.A. 97-229, eff. 7-28-11; 98-746, eff. 1-1-15;
3 98-747, eff. 1-1-15; revised 10-2-14.)

4 (625 ILCS 5/7-311) (from Ch. 95 1/2, par. 7-311)

5 Sec. 7-311. Payments sufficient to satisfy requirements.

6 (a) Judgments herein referred to arising out of motor
7 vehicle accidents occurring on or after January 1, 2015 (the
8 effective date of Public 98-519) ~~this amendatory Act of the~~
9 ~~98th General Assembly~~, shall for the purpose of this Chapter be
10 deemed satisfied:

11 1. When \$25,000 has been credited upon any judgment or
12 judgments rendered in excess of that amount for bodily
13 injury to or the death of one person as the result of any
14 one motor vehicle accident; or

15 2. When, subject to said limit of \$25,000 as to any one
16 person, the sum of \$50,000 has been credited upon any
17 judgment or judgments rendered in excess of that amount for
18 bodily injury to or the death of more than one person as
19 the result of any one motor vehicle accident; or

20 3. When \$20,000 has been credited upon any judgment or
21 judgments, rendered in excess of that amount for damages to
22 property of others as a result of any one motor vehicle
23 accident.

24 The changes to this subsection made by Public Act 98-519
25 ~~this amendatory Act of the 98th General Assembly~~ apply only to

1 policies issued or renewed on or after January 1, 2015.

2 (b) Credit for such amounts shall be deemed a satisfaction
3 of any such judgment or judgments in excess of said amounts
4 only for the purposes of this Chapter.

5 (c) Whenever payment has been made in settlement of any
6 claim for bodily injury, death or property damage arising from
7 a motor vehicle accident resulting in injury, death or property
8 damage to two or more persons in such accident, any such
9 payment shall be credited in reduction of the amounts provided
10 for in this Section.

11 (Source: P.A. 98-519, eff. 1-1-15; revised 12-10-14.)

12 (625 ILCS 5/Ch. 11 Art. V heading)

13 ARTICLE V. DRIVING WHILE UNDER THE INFLUENCE ~~INTOXICATED~~,
14 TRANSPORTING ALCOHOLIC LIQUOR,
15 AND RECKLESS DRIVING

16 (625 ILCS 5/11-601) (from Ch. 95 1/2, par. 11-601)

17 Sec. 11-601. General speed restrictions.

18 (a) No vehicle may be driven upon any highway of this State
19 at a speed which is greater than is reasonable and proper with
20 regard to traffic conditions and the use of the highway, or
21 endangers the safety of any person or property. The fact that
22 the speed of a vehicle does not exceed the applicable maximum
23 speed limit does not relieve the driver from the duty to
24 decrease speed when approaching and crossing an intersection,

1 approaching and going around a curve, when approaching a hill
2 crest, when traveling upon any narrow or winding roadway, or
3 when special hazard exists with respect to pedestrians or other
4 traffic or by reason of weather or highway conditions. Speed
5 must be decreased as may be necessary to avoid colliding with
6 any person or vehicle on or entering the highway in compliance
7 with legal requirements and the duty of all persons to use due
8 care.

9 (a-5) For purposes of this Section, "urban district" does
10 not include any interstate highway as defined by Section
11 1-133.1 of this Code which includes all highways under the
12 jurisdiction of the Illinois State Toll Highway Authority.

13 (b) No person may drive a vehicle upon any highway of this
14 State at a speed which is greater than the applicable statutory
15 maximum speed limit established by paragraphs (c), (d), (e),
16 (f) or (g) of this Section, by Section 11-605 or by a
17 regulation or ordinance made under this Chapter.

18 (c) Unless some other speed restriction is established
19 under this Chapter, the maximum speed limit in an urban
20 district for all vehicles is:

- 21 1. 30 miles per hour; and
- 22 2. 15 miles per hour in an alley.

23 (d) Unless some other speed restriction is established
24 under this Chapter, the maximum speed limit outside an urban
25 district for any vehicle is (1) 65 miles per hour for all or
26 part of highways that are designated by the Department, have at

1 least 4 lanes of traffic, and have a separation between the
2 roadways moving in opposite directions and (2) 55 miles per
3 hour for all other highways, roads, and streets.

4 (d-1) Unless some other speed restriction is established
5 under this Chapter, the maximum speed limit outside an urban
6 district for any vehicle is (1) 70 miles per hour on any
7 interstate highway as defined by Section 1-133.1 of this Code
8 which includes all highways under the jurisdiction of the
9 Illinois State Toll Highway Authority; (2) 65 miles per hour
10 for all or part of highways that are designated by the
11 Department, have at least 4 lanes of traffic, and have a
12 separation between the roadways moving in opposite directions;
13 and (3) 55 miles per hour for all other highways, roads, and
14 streets. The counties of Cook, DuPage, Kane, Lake, Madison,
15 McHenry, St. Clair, and Will may adopt ordinances setting a
16 maximum speed limit on highways, roads, and streets that is
17 lower than the limits established by this Section.

18 (e) In the counties of Cook, DuPage, Kane, Lake, McHenry,
19 and Will, unless some lesser speed restriction is established
20 under this Chapter, the maximum speed limit outside an urban
21 district for a second division vehicle designed or used for the
22 carrying of a gross weight of 8,001 pounds or more (including
23 the weight of the vehicle and maximum load) is 60 miles per
24 hour on any interstate highway as defined by Section 1-133.1 of
25 this Code and 55 miles per hour on all other highways, roads,
26 and streets.

1 (e-1) (Blank).

2 (f) Unless some other speed restriction is established
3 under this Chapter, the maximum speed limit outside an urban
4 district for a bus is:

5 1. 65 miles per hour upon any highway which has at
6 least 4 lanes of traffic and of which the roadways for
7 traffic moving in opposite directions are separated by a
8 strip of ground which is not surfaced or suitable for
9 vehicular traffic, except that the maximum speed limit for
10 a bus on all highways, roads, or streets not under the
11 jurisdiction of the Department or the Illinois State Toll
12 Highway Authority is 55 miles per hour;

13 1.5. 70 miles per hour upon any interstate highway as
14 defined by Section 1-133.1 of this Code outside the
15 counties of Cook, DuPage, Kane, Lake, McHenry, and Will;
16 and

17 2. 55 miles per hour on any other highway.

18 (g) (Blank).

19 (Source: P.A. 97-202, eff. 1-1-12; 98-511, eff. 1-1-14;
20 98-1126, eff. 1-1-15; 98-1128, eff. 1-1-15; revised 12-10-14.)

21 (625 ILCS 5/11-709.2)

22 Sec. 11-709.2. Bus on shoulder program.

23 (a) The use of specifically designated shoulders of
24 roadways by transit buses may be authorized by the Department
25 in cooperation with the Regional Transportation Authority and

1 the Suburban Bus Division of the Regional Transportation
2 Authority. The Department shall prescribe by rule which transit
3 buses are authorized to operate on shoulders, as well as times
4 and locations. The Department may erect signage to indicate
5 times and locations of designated shoulder usage.

6 (b) (Blank).

7 (c) (Blank) ~~Transportation~~.

8 (Source: P.A. 97-292, eff. 8-11-11; 98-756, eff. 7-16-14;
9 98-871, eff. 8-11-14; revised 10-1-147.)

10 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

11 Sec. 12-215. Oscillating, rotating or flashing lights on
12 motor vehicles. Except as otherwise provided in this Code:

13 (a) The use of red or white oscillating, rotating or
14 flashing lights, whether lighted or unlighted, is prohibited
15 except on:

16 1. Law enforcement vehicles of State, Federal or local
17 authorities;

18 2. A vehicle operated by a police officer or county
19 coroner and designated or authorized by local authorities,
20 in writing, as a law enforcement vehicle; however, such
21 designation or authorization must be carried in the
22 vehicle;

23 2.1. A vehicle operated by a fire chief who has
24 completed an emergency vehicle operation training course
25 approved by the Office of the State Fire Marshal and

1 designated or authorized by local authorities, in writing,
2 as a fire department, fire protection district, or township
3 fire department vehicle; however, the designation or
4 authorization must be carried in the vehicle, and the
5 lights may be visible or activated only when responding to
6 a bona fide emergency;

7 3. Vehicles of local fire departments and State or
8 federal firefighting vehicles;

9 4. Vehicles which are designed and used exclusively as
10 ambulances or rescue vehicles; furthermore, such lights
11 shall not be lighted except when responding to an emergency
12 call for and while actually conveying the sick or injured;

13 5. Tow trucks licensed in a state that requires such
14 lights; furthermore, such lights shall not be lighted on
15 any such tow truck while the tow truck is operating in the
16 State of Illinois;

17 6. Vehicles of the Illinois Emergency Management
18 Agency, vehicles of the Office of the Illinois State Fire
19 Marshal, vehicles of the Illinois Department of Public
20 Health, vehicles of the Illinois Department of
21 Corrections, and vehicles of the Illinois Department of
22 Juvenile Justice;

23 7. Vehicles operated by a local or county emergency
24 management services agency as defined in the Illinois
25 Emergency Management Agency Act;

26 8. School buses operating alternately flashing head

1 lamps as permitted under Section 12-805 of this Code;

2 9. Vehicles that are equipped and used exclusively as
3 organ transplant vehicles when used in combination with
4 blue oscillating, rotating, or flashing lights;
5 furthermore, these lights shall be lighted only when the
6 transportation is declared an emergency by a member of the
7 transplant team or a representative of the organ
8 procurement organization;

9 10. Vehicles of the Illinois Department of Natural
10 Resources that are used for mine rescue and explosives
11 emergency response; ~~and~~

12 11. Vehicles of the Illinois Department of
13 Transportation identified as Emergency Traffic Patrol; the
14 lights shall not be lighted except when responding to an
15 emergency call or when parked or stationary while engaged
16 in motor vehicle assistance or at the scene of the
17 emergency; and

18 12. Vehicles of the Illinois State Toll Highway
19 Authority identified as Highway Emergency Lane Patrol; the
20 lights shall not be lighted except when responding to an
21 emergency call or when parked or stationary while engaged
22 in motor vehicle assistance or at the scene of the
23 emergency.

24 (b) The use of amber oscillating, rotating or flashing
25 lights, whether lighted or unlighted, is prohibited except on:

26 1. Second division vehicles designed and used for

1 towing or hoisting vehicles; furthermore, such lights
2 shall not be lighted except as required in this paragraph
3 1; such lights shall be lighted when such vehicles are
4 actually being used at the scene of an accident or
5 disablement; if the towing vehicle is equipped with a flat
6 bed that supports all wheels of the vehicle being
7 transported, the lights shall not be lighted while the
8 vehicle is engaged in towing on a highway; if the towing
9 vehicle is not equipped with a flat bed that supports all
10 wheels of a vehicle being transported, the lights shall be
11 lighted while the towing vehicle is engaged in towing on a
12 highway during all times when the use of headlights is
13 required under Section 12-201 of this Code; in addition,
14 these vehicles may use white oscillating, rotating, or
15 flashing lights in combination with amber oscillating,
16 rotating, or flashing lights as provided in this paragraph;

17 2. Motor vehicles or equipment of the State of
18 Illinois, the Illinois State Toll Highway Authority, local
19 authorities and contractors; furthermore, such lights
20 shall not be lighted except while such vehicles are engaged
21 in maintenance or construction operations within the
22 limits of construction projects;

23 3. Vehicles or equipment used by engineering or survey
24 crews; furthermore, such lights shall not be lighted except
25 while such vehicles are actually engaged in work on a
26 highway;

1 4. Vehicles of public utilities, municipalities, or
2 other construction, maintenance or automotive service
3 vehicles except that such lights shall be lighted only as a
4 means for indicating the presence of a vehicular traffic
5 hazard requiring unusual care in approaching, overtaking
6 or passing while such vehicles are engaged in maintenance,
7 service or construction on a highway;

8 5. Oversized vehicle or load; however, such lights
9 shall only be lighted when moving under permit issued by
10 the Department under Section 15-301 of this Code;

11 6. The front and rear of motorized equipment owned and
12 operated by the State of Illinois or any political
13 subdivision thereof, which is designed and used for removal
14 of snow and ice from highways;

15 6.1. The front and rear of motorized equipment or
16 vehicles that (i) are not owned by the State of Illinois or
17 any political subdivision of the State, (ii) are designed
18 and used for removal of snow and ice from highways and
19 parking lots, and (iii) are equipped with a snow plow that
20 is 12 feet in width; these lights may not be lighted except
21 when the motorized equipment or vehicle is actually being
22 used for those purposes on behalf of a unit of government;

23 7. Fleet safety vehicles registered in another state,
24 furthermore, such lights shall not be lighted except as
25 provided for in Section 12-212 of this Code;

26 8. Such other vehicles as may be authorized by local

1 authorities;

2 9. Law enforcement vehicles of State or local
3 authorities when used in combination with red oscillating,
4 rotating or flashing lights;

5 9.5. Propane delivery trucks;

6 10. Vehicles used for collecting or delivering mail for
7 the United States Postal Service provided that such lights
8 shall not be lighted except when such vehicles are actually
9 being used for such purposes;

10 10.5. Vehicles of the Office of the Illinois State Fire
11 Marshal, provided that such lights shall not be lighted
12 except for when such vehicles are engaged in work for the
13 Office of the Illinois State Fire Marshal;

14 11. Any vehicle displaying a slow-moving vehicle
15 emblem as provided in Section 12-205.1;

16 12. All trucks equipped with self-compactors or
17 roll-off hoists and roll-on containers for garbage or
18 refuse hauling. Such lights shall not be lighted except
19 when such vehicles are actually being used for such
20 purposes;

21 13. Vehicles used by a security company, alarm
22 responder, control agency, or the Illinois Department of
23 Corrections;

24 14. Security vehicles of the Department of Human
25 Services; however, the lights shall not be lighted except
26 when being used for security related purposes under the

1 direction of the superintendent of the facility where the
2 vehicle is located; and

3 15. Vehicles of union representatives, except that the
4 lights shall be lighted only while the vehicle is within
5 the limits of a construction project.

6 (c) The use of blue oscillating, rotating or flashing
7 lights, whether lighted or unlighted, is prohibited except on:

8 1. Rescue squad vehicles not owned by a fire department
9 and vehicles owned or operated by a:

10 voluntary firefighter;

11 paid firefighter;

12 part-paid firefighter;

13 call firefighter;

14 member of the board of trustees of a fire
15 protection district;

16 paid or unpaid member of a rescue squad;

17 paid or unpaid member of a voluntary ambulance
18 unit; or

19 paid or unpaid members of a local or county
20 emergency management services agency as defined in the
21 Illinois Emergency Management Agency Act, designated
22 or authorized by local authorities, in writing, and
23 carrying that designation or authorization in the
24 vehicle.

25 However, such lights are not to be lighted except when
26 responding to a bona fide emergency or when parked or

1 stationary at the scene of a fire, rescue call, ambulance
2 call, or motor vehicle accident.

3 Any person using these lights in accordance with this
4 subdivision (c)1 must carry on his or her person an
5 identification card or letter identifying the bona fide
6 member of a fire department, fire protection district,
7 rescue squad, ambulance unit, or emergency management
8 services agency that owns or operates that vehicle. The
9 card or letter must include:

10 (A) the name of the fire department, fire
11 protection district, rescue squad, ambulance unit, or
12 emergency management services agency;

13 (B) the member's position within the fire
14 department, fire protection district, rescue squad,
15 ambulance unit, or emergency management services
16 agency;

17 (C) the member's term of service; and

18 (D) the name of a person within the fire
19 department, fire protection district, rescue squad,
20 ambulance unit, or emergency management services
21 agency to contact to verify the information provided.

22 2. Police department vehicles in cities having a
23 population of 500,000 or more inhabitants.

24 3. Law enforcement vehicles of State or local
25 authorities when used in combination with red oscillating,
26 rotating or flashing lights.

1 4. Vehicles of local fire departments and State or
2 federal firefighting vehicles when used in combination
3 with red oscillating, rotating or flashing lights.

4 5. Vehicles which are designed and used exclusively as
5 ambulances or rescue vehicles when used in combination with
6 red oscillating, rotating or flashing lights; furthermore,
7 such lights shall not be lighted except when responding to
8 an emergency call.

9 6. Vehicles that are equipped and used exclusively as
10 organ transport vehicles when used in combination with red
11 oscillating, rotating, or flashing lights; furthermore,
12 these lights shall only be lighted when the transportation
13 is declared an emergency by a member of the transplant team
14 or a representative of the organ procurement organization.

15 7. Vehicles of the Illinois Emergency Management
16 Agency, vehicles of the Office of the Illinois State Fire
17 Marshal, vehicles of the Illinois Department of Public
18 Health, vehicles of the Illinois Department of
19 Corrections, and vehicles of the Illinois Department of
20 Juvenile Justice, when used in combination with red
21 oscillating, rotating, or flashing lights.

22 8. Vehicles operated by a local or county emergency
23 management services agency as defined in the Illinois
24 Emergency Management Agency Act, when used in combination
25 with red oscillating, rotating, or flashing lights.

26 9. Vehicles of the Illinois Department of Natural

1 Resources that are used for mine rescue and explosives
2 emergency response, when used in combination with red
3 oscillating, rotating, or flashing lights.

4 (c-1) In addition to the blue oscillating, rotating, or
5 flashing lights permitted under subsection (c), and
6 notwithstanding subsection (a), a vehicle operated by a
7 voluntary firefighter, a voluntary member of a rescue squad, or
8 a member of a voluntary ambulance unit may be equipped with
9 flashing white headlights and blue grill lights, which may be
10 used only in responding to an emergency call or when parked or
11 stationary at the scene of a fire, rescue call, ambulance call,
12 or motor vehicle accident.

13 (c-2) In addition to the blue oscillating, rotating, or
14 flashing lights permitted under subsection (c), and
15 notwithstanding subsection (a), a vehicle operated by a paid or
16 unpaid member of a local or county emergency management
17 services agency as defined in the Illinois Emergency Management
18 Agency Act, may be equipped with white oscillating, rotating,
19 or flashing lights to be used in combination with blue
20 oscillating, rotating, or flashing lights, if authorization by
21 local authorities is in writing and carried in the vehicle.

22 (d) The use of a combination of amber and white
23 oscillating, rotating or flashing lights, whether lighted or
24 unlighted, is prohibited except on second division vehicles
25 designed and used for towing or hoisting vehicles or motor
26 vehicles or equipment of the State of Illinois, local

1 authorities, contractors, and union representatives;
2 furthermore, such lights shall not be lighted on second
3 division vehicles designed and used for towing or hoisting
4 vehicles or vehicles of the State of Illinois, local
5 authorities, and contractors except while such vehicles are
6 engaged in a tow operation, highway maintenance, or
7 construction operations within the limits of highway
8 construction projects, and shall not be lighted on the vehicles
9 of union representatives except when those vehicles are within
10 the limits of a construction project.

11 (e) All oscillating, rotating or flashing lights referred
12 to in this Section shall be of sufficient intensity, when
13 illuminated, to be visible at 500 feet in normal sunlight.

14 (f) Nothing in this Section shall prohibit a manufacturer
15 of oscillating, rotating or flashing lights or his
16 representative or authorized vendor from temporarily mounting
17 such lights on a vehicle for demonstration purposes only. If
18 the lights are not covered while the vehicle is operated upon a
19 highway, the vehicle shall display signage indicating that the
20 vehicle is out of service or not an emergency vehicle. The
21 signage shall be displayed on all sides of the vehicle in
22 letters at least 2 inches tall and one-half inch wide. A
23 vehicle authorized to have oscillating, rotating, or flashing
24 lights mounted for demonstration purposes may not activate the
25 lights while the vehicle is operated upon a highway.

26 (g) Any person violating the provisions of subsections (a),

1 (b), (c) or (d) of this Section who without lawful authority
2 stops or detains or attempts to stop or detain another person
3 shall be guilty of a Class 2 felony.

4 (h) Except as provided in subsection (g) above, any person
5 violating the provisions of subsections (a) or (c) of this
6 Section shall be guilty of a Class A misdemeanor.

7 (Source: P.A. 97-39, eff. 1-1-12; 97-149, eff. 7-14-11; 97-813,
8 eff. 7-13-12; 97-1173, eff. 1-1-14; 98-80, eff. 7-15-13;
9 98-123, eff. 1-1-14; 98-468, eff. 8-16-13; 98-756, eff.
10 7-16-14; 98-873, eff. 1-1-15; revised 10-6-14.)

11 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

12 Sec. 15-111. Wheel and axle loads and gross weights.

13 (a) No vehicle or combination of vehicles with pneumatic
14 tires may be operated, unladen or with load, when the total
15 weight on the road surface exceeds the following: 20,000 pounds
16 on a single axle; 34,000 pounds on a tandem axle with no axle
17 within the tandem exceeding 20,000 pounds; 80,000 pounds gross
18 weight for vehicle combinations of 5 or more axles; or a total
19 weight on a group of 2 or more consecutive axles in excess of
20 that weight produced by the application of the following
21 formula: $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N +$
22 36 , where "W" equals overall total weight on any group of 2 or
23 more consecutive axles to the nearest 500 pounds, "L" equals
24 the distance measured to the nearest foot between extremes of
25 any group of 2 or more consecutive axles, and "N" equals the

1 number of axles in the group under consideration.

2 The above formula when expressed in tabular form results in
 3 allowable loads as follows:

4 Distance measured
 5 to the nearest
 6 foot between the
 7 extremes of any
 8 group of 2 or
 9 more consecutive
 10 axles

Maximum weight in pounds
 of any group of
 2 or more consecutive axles

feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	38,000*	42,000			
9	39,000	42,500			
10	40,000	43,500			
11		44,000			
12		45,000	50,000		
13		45,500	50,500		
14		46,500	51,500		
15		47,000	52,000		
16		48,000	52,500	58,000	
17		48,500	53,500	58,500	

1	18	49,500	54,000	59,000	
2	19	50,000	54,500	60,000	
3	20	51,000	55,500	60,500	66,000
4	21	51,500	56,000	61,000	66,500
5	22	52,500	56,500	61,500	67,000
6	23	53,000	57,500	62,500	68,000
7	24	54,000	58,000	63,000	68,500
8	25	54,500	58,500	63,500	69,000
9	26	55,500	59,500	64,000	69,500
10	27	56,000	60,000	65,000	70,000
11	28	57,000	60,500	65,500	71,000
12	29	57,500	61,500	66,000	71,500
13	30	58,500	62,000	66,500	72,000
14	31	59,000	62,500	67,500	72,500
15	32	60,000	63,500	68,000	73,000
16	33		64,000	68,500	74,000
17	34		64,500	69,000	74,500
18	35		65,500	70,000	75,000
19	36		66,000	70,500	75,500
20	37		66,500	71,000	76,000
21	38		67,500	72,000	77,000
22	39		68,000	72,500	77,500
23	40		68,500	73,000	78,000
24	41		69,500	73,500	78,500
25	42		70,000	74,000	79,000
26	43		70,500	75,000	80,000

1	44	71,500	75,500
2	45	72,000	76,000
3	46	72,500	76,500
4	47	73,500	77,500
5	48	74,000	78,000
6	49	74,500	78,500
7	50	75,500	79,000
8	51	76,000	80,000
9	52	76,500	
10	53	77,500	
11	54	78,000	
12	55	78,500	
13	56	79,500	
14	57	80,000	

15 *If the distance between 2 axles is 96 inches or less, the 2
16 axles are tandem axles and the maximum total weight may not
17 exceed 34,000 pounds, notwithstanding the higher limit
18 resulting from the application of the formula.

19 Vehicles not in a combination having more than 4 axles may
20 not exceed the weight in the table in this subsection (a) for 4
21 axles measured between the extreme axles of the vehicle.

22 Vehicles in a combination having more than 6 axles may not
23 exceed the weight in the table in this subsection (a) for 6
24 axles measured between the extreme axles of the combination.

25 Local authorities, with respect to streets and highways
26 under their jurisdiction, without additional fees, may also by

1 ordinance or resolution allow the weight limitations of this
2 subsection, provided the maximum gross weight on any one axle
3 shall not exceed 20,000 pounds and the maximum total weight on
4 any tandem axle shall not exceed 34,000 pounds, on designated
5 highways when appropriate regulatory signs giving notice are
6 erected upon the street or highway or portion of any street or
7 highway affected by the ordinance or resolution.

8 The following are exceptions to the above formula:

9 (1) Vehicles for which a different limit is established
10 and posted in accordance with Section 15-316 of this Code.

11 (2) Vehicles for which the Department of
12 Transportation and local authorities issue overweight
13 permits under authority of Section 15-301 of this Code.
14 These vehicles are not subject to the bridge formula.

15 (3) Cities having a population of more than 50,000 may
16 permit by ordinance axle loads on 2-axle ~~2-axle~~ motor
17 vehicles 33 1/2% above those provided for herein, but the
18 increase shall not become effective until the city has
19 officially notified the Department of the passage of the
20 ordinance and shall not apply to those vehicles when
21 outside of the limits of the city, nor shall the gross
22 weight of any 2-axle ~~2-axle~~ motor vehicle operating over
23 any street of the city exceed 40,000 pounds.

24 (4) Weight limitations shall not apply to vehicles
25 (including loads) operated by a public utility when
26 transporting equipment required for emergency repair of

1 public utility facilities or properties or water wells.

2 (4.5) A 3-axle or 4-axle ~~3 or 4 axle~~ vehicle (including
3 when laden) operated or hired by a municipality within
4 Cook, Lake, McHenry, Kane, DuPage, or Will county being
5 operated for the purpose of performing emergency sewer
6 repair that would be subject to a weight limitation less
7 than 66,000 pounds under the formula in this subsection (a)
8 shall have a weight limitation of 66,000 pounds or the
9 vehicle's gross vehicle weight rating, whichever is less.
10 This paragraph (4.5) does not apply to vehicles being
11 operated on the National System of Interstate and Defense
12 Highways, or to vehicles being operated on bridges or other
13 elevated structures constituting a part of a highway.

14 (5) Two consecutive sets of tandem axles may carry a
15 total weight of 34,000 pounds each if the overall distance
16 between the first and last axles of the consecutive sets of
17 tandem axles is 36 feet or more, notwithstanding the lower
18 limit resulting from the application of the above formula.

19 (6) A truck, not in combination and used exclusively
20 for the collection of rendering materials, may, when laden,
21 transmit upon the road surface, except when on part of the
22 National System of Interstate and Defense Highways, the
23 following maximum weights: 22,000 pounds on a single axle;
24 40,000 pounds on a tandem axle.

25 (7) A truck not in combination, equipped with a self
26 compactor or an industrial roll-off hoist and roll-off

1 container, used exclusively for garbage, refuse, or
2 recycling operations, may, when laden, transmit upon the
3 road surface, except when on part of the National System of
4 Interstate and Defense Highways, the following maximum
5 weights: 22,000 pounds on a single axle; 40,000 pounds on a
6 tandem axle; 40,000 pounds gross weight on a 2-axle
7 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.
8 This vehicle is not subject to the bridge formula.

9 (7.5) A 3-axle rear discharge truck mixer registered as
10 a Special Hauling Vehicle, used exclusively for the mixing
11 and transportation of concrete in the plastic state, may,
12 when laden, transmit upon the road surface, except when on
13 part of the National System of Interstate and Defense
14 Highways, the following maximum weights: 22,000 pounds on
15 single axle; 40,000 pounds on a tandem axle; 54,000 pounds
16 gross weight on a 3-axle vehicle. This vehicle is not
17 subject to the bridge formula.

18 (8) Except as provided in paragraph (7.5) of this
19 subsection (a), tandem axles on a 3-axle truck registered
20 as a Special Hauling Vehicle, manufactured prior to or in
21 the model year of 2024 and first registered in Illinois
22 prior to January 1, 2025, with a distance greater than 72
23 inches but not more than 96 inches between any series of 2
24 axles, is allowed a combined weight on the series not to
25 exceed 36,000 pounds and neither axle of the series may
26 exceed 20,000 pounds. Any vehicle of this type manufactured

1 after the model year of 2024 or first registered in
2 Illinois after December 31, 2024 may not exceed a combined
3 weight of 34,000 pounds through the series of 2 axles and
4 neither axle of the series may exceed 20,000 pounds.

5 A 3-axle combination sewer cleaning jetting vacuum
6 truck registered as a Special Hauling Vehicle, used
7 exclusively for the transportation of non-hazardous solid
8 waste, manufactured before or in the model year of 2014,
9 first registered in Illinois before January 1, 2015, may,
10 when laden, transmit upon the road surface, except when on
11 part of the National System of Interstate and Defense
12 Highways, the following maximum weights: 22,000 pounds on a
13 single axle; 40,000 pounds on a tandem axle; 54,000 pounds
14 gross weight on a 3-axle vehicle. This vehicle is not
15 subject to the bridge formula.

16 (9) A 4-axle truck mixer registered as a Special
17 Hauling Vehicle, used exclusively for the mixing and
18 transportation of concrete in the plastic state, and not
19 operated on a highway that is part of the National System
20 of Interstate Highways, is allowed the following maximum
21 weights: 20,000 pounds on any single axle; 36,000 pounds on
22 a series of axles greater than 72 inches but not more than
23 96 inches; and 34,000 pounds on any series of 2 axles
24 greater than 40 inches but not more than 72 inches. The
25 gross weight of this vehicle may not exceed the weights
26 allowed by the bridge formula for 4 axles. The bridge

1 formula does not apply to any series of 3 axles while the
2 vehicle is transporting concrete in the plastic state, but
3 no axle or tandem axle of the series may exceed the maximum
4 weight permitted under this paragraph (9) of subsection
5 (a).

6 (10) Combinations of vehicles, registered as Special
7 Hauling Vehicles that include a semitrailer manufactured
8 prior to or in the model year of 2024, and registered in
9 Illinois prior to January 1, 2025, having 5 axles with a
10 distance of 42 feet or less between extreme axles, may not
11 exceed the following maximum weights: 20,000 pounds on a
12 single axle; 34,000 pounds on a tandem axle; and 72,000
13 pounds gross weight. This combination of vehicles is not
14 subject to the bridge formula. For all those combinations
15 of vehicles that include a semitrailer manufactured after
16 the effective date of P.A. 92-0417, the overall distance
17 between the first and last axles of the 2 sets of tandems
18 must be 18 feet 6 inches or more. Any combination of
19 vehicles that has had its cargo container replaced in its
20 entirety after December 31, 2024 may not exceed the weights
21 allowed by the bridge formula.

22 (11) The maximum weight allowed on a vehicle with
23 crawler type tracks is 40,000 pounds.

24 (12) A combination of vehicles, including a tow truck
25 and a disabled vehicle or disabled combination of vehicles,
26 that exceeds the weight restriction imposed by this Code,

1 may be operated on a public highway in this State provided
2 that neither the disabled vehicle nor any vehicle being
3 towed nor the tow truck itself shall exceed the weight
4 limitations permitted under this Chapter. During the
5 towing operation, neither the tow truck nor the vehicle
6 combination shall exceed 24,000 pounds on a single rear
7 axle and 44,000 pounds on a tandem rear axle, provided the
8 towing vehicle:

9 (i) is specifically designed as a tow truck having
10 a gross vehicle weight rating of at least 18,000 pounds
11 and is equipped with air brakes, provided that air
12 brakes are required only if the towing vehicle is
13 towing a vehicle, semitrailer, or tractor-trailer
14 combination that is equipped with air brakes;

15 (ii) is equipped with flashing, rotating, or
16 oscillating amber lights, visible for at least 500 feet
17 in all directions;

18 (iii) is capable of utilizing the lighting and
19 braking systems of the disabled vehicle or combination
20 of vehicles; and

21 (iv) does not engage in a tow exceeding 20 miles
22 from the initial point of wreck or disablement. Any
23 additional movement of the vehicles may occur only upon
24 issuance of authorization for that movement under the
25 provisions of Sections 15-301 through 15-319 of this
26 Code. The towing vehicle, however, may tow any disabled

1 vehicle to a point where repairs are actually to occur.
2 This movement shall be valid only on State routes. The
3 tower must abide by posted bridge weight limits.

4 (13) Upon and during a declaration of an emergency
5 propane supply disaster by the Governor under Section 7 of
6 the Illinois Emergency Management Agency Act:

7 (i) a truck not in combination, equipped with a
8 cargo tank, used exclusively for the transportation of
9 propane or liquefied petroleum gas may, when laden,
10 transmit upon the road surface, except when on part of
11 the National System of Interstate and Defense
12 Highways, the following maximum weights: 22,000 pounds
13 on a single axle; 40,000 pounds on a tandem axle;
14 40,000 pounds gross weight on a 2-axle vehicle; 54,000
15 pounds gross weight on a 3-axle vehicle; and

16 (ii) a truck when in combination with a trailer
17 equipped with a cargo tank used exclusively for the
18 transportation of propane or liquefied petroleum gas
19 may, when laden, transmit upon the road surface, except
20 when on part of the National System of Interstate and
21 Defense Highways, the following maximum weights:
22 22,000 pounds on a single axle; 40,000 pounds on a
23 tandem axle; 90,000 pounds gross weight on a 5-axle ~~5~~
24 or 6-axle vehicle.

25 Vehicles operating under this paragraph (13) are not
26 subject to the bridge formula.

1 (14) ~~(13)~~ A vehicle or combination of vehicles that
2 uses natural gas or propane gas as a motor fuel may exceed
3 the above weight limitations by 2,000 pounds, except on
4 interstate highways as defined by Section 1-133.1 of this
5 Code. This paragraph (14) ~~(13)~~ shall not allow a vehicle to
6 exceed any posted weight limit on a highway or structure.

7 Gross weight limits shall not apply to the combination of
8 the tow truck and vehicles being towed. The tow truck license
9 plate must cover the operating empty weight of the tow truck
10 only. The weight of each vehicle being towed shall be covered
11 by a valid license plate issued to the owner or operator of the
12 vehicle being towed and displayed on that vehicle. If no valid
13 plate issued to the owner or operator of that vehicle is
14 displayed on that vehicle, or the plate displayed on that
15 vehicle does not cover the weight of the vehicle, the weight of
16 the vehicle shall be covered by the third tow truck plate
17 issued to the owner or operator of the tow truck and
18 temporarily affixed to the vehicle being towed. If a roll-back
19 carrier is registered and being used as a tow truck, however,
20 the license plate or plates for the tow truck must cover the
21 gross vehicle weight, including any load carried on the bed of
22 the roll-back carrier.

23 The Department may by rule or regulation prescribe
24 additional requirements. However, nothing in this Code shall
25 prohibit a tow truck under instructions of a police officer
26 from legally clearing a disabled vehicle, that may be in

1 violation of weight limitations of this Chapter, from the
2 roadway to the berm or shoulder of the highway. If in the
3 opinion of the police officer that location is unsafe, the
4 officer is authorized to have the disabled vehicle towed to the
5 nearest place of safety.

6 For the purpose of this subsection, gross vehicle weight
7 rating, or GVWR, means the value specified by the manufacturer
8 as the loaded weight of the tow truck.

9 (b) As used in this Section, "recycling haul" or "recycling
10 operation" means the hauling of non-hazardous, non-special,
11 non-putrescible materials, such as paper, glass, cans, or
12 plastic, for subsequent use in the secondary materials market.

13 (c) No vehicle or combination of vehicles equipped with
14 pneumatic tires shall be operated, unladen or with load, upon
15 the highways of this State in violation of the provisions of
16 any permit issued under the provisions of Sections 15-301
17 through 15-319 of this Chapter.

18 (d) No vehicle or combination of vehicles equipped with
19 other than pneumatic tires may be operated, unladen or with
20 load, upon the highways of this State when the gross weight on
21 the road surface through any wheel exceeds 800 pounds per inch
22 width of tire tread or when the gross weight on the road
23 surface through any axle exceeds 16,000 pounds.

24 (e) No person shall operate a vehicle or combination of
25 vehicles over a bridge or other elevated structure constituting
26 part of a highway with a gross weight that is greater than the

1 maximum weight permitted by the Department, when the structure
2 is sign posted as provided in this Section.

3 (f) The Department upon request from any local authority
4 shall, or upon its own initiative may, conduct an investigation
5 of any bridge or other elevated structure constituting a part
6 of a highway, and if it finds that the structure cannot with
7 safety to itself withstand the weight of vehicles otherwise
8 permissible under this Code the Department shall determine and
9 declare the maximum weight of vehicles that the structures can
10 withstand, and shall cause or permit suitable signs stating
11 maximum weight to be erected and maintained before each end of
12 the structure. No person shall operate a vehicle or combination
13 of vehicles over any structure with a gross weight that is
14 greater than the posted maximum weight.

15 (g) Upon the trial of any person charged with a violation
16 of subsection (e) or (f) of this Section, proof of the
17 determination of the maximum allowable weight by the Department
18 and the existence of the signs, constitutes conclusive evidence
19 of the maximum weight that can be maintained with safety to the
20 bridge or structure.

21 (Source: P.A. 97-201, eff. 1-1-12; 98-409, eff. 1-1-14; 98-410,
22 eff. 8-16-13; 98-756, eff. 7-16-14; 98-942, eff. 1-1-15;
23 98-956, eff. 1-1-15; 98-1029, eff. 1-1-15; revised 10-2-14.)

24 Section 470. The Boat Registration and Safety Act is
25 amended by changing Section 5-18 as follows:

1 (625 ILCS 45/5-18) (from Ch. 95 1/2, par. 315-13)

2 Sec. 5-18. (a) Beginning on January 1, 2016, no person born
3 on or after January 1, 1998, unless exempted by subsection (i),
4 shall operate a motorboat with over 10 horse power unless that
5 person has a valid Boating Safety Certificate issued by the
6 Department of Natural Resources or an entity or organization
7 recognized and approved by the Department.

8 (b) No person under 10 years of age may operate a
9 motorboat.

10 (c) Prior to January 1, 2016, persons at least 10 years of
11 age and less than 12 years of age may operate a motorboat with
12 over 10 horse power only if they are accompanied on the
13 motorboat and under the direct control of a parent or guardian
14 or a person at least 18 years of age designated by a parent or
15 guardian. Beginning on January 1, 2016, persons at least 10
16 years of age and less than 12 years of age may operate a
17 motorboat with over 10 horse power only if the person is under
18 the direct on-board supervision of a parent or guardian who
19 meets the requirements of subsection (a) or a person at least
20 18 years of age who meets the requirements of subsection (a)
21 and is designated by a parent or guardian.

22 (d) Prior to January 1, 2016, persons at least 12 years of
23 age and less than 18 years of age may operate a motorboat with
24 over 10 horse power only if they are accompanied on the
25 motorboat and under the direct control of a parent or guardian

1 or a person at least 18 years of age designated by a parent or
2 guardian, or the motorboat operator is in possession of a
3 Boating Safety Certificate issued by the Department of Natural
4 Resources, Division of Law Enforcement, authorizing the holder
5 to operate motorboats. Beginning on January 1, 2016, persons at
6 least 12 years and less than 18 years of age may operate a
7 motorboat with over 10 horse power only if the person meets the
8 requirements of subsection (a) or is under the direct on-board
9 supervision of a parent or guardian who meets the requirements
10 of subsection (a) or a person at least 18 years of age who
11 meets the requirements of subsection (a) and is designated by a
12 parent or guardian.

13 (e) Beginning January 1, 2016, the owner of a motorboat or
14 a person given supervisory authority over a motorboat shall not
15 permit a motorboat with over 10 horse power to be operated by a
16 person who does not meet the Boating Safety Certificate
17 requirements of this Section.

18 (f) Licensed boat liveries shall offer abbreviated
19 operating and safety instruction covering core boat safety
20 rules to all renters, unless the renter can demonstrate
21 compliance with the Illinois Boating Safety Certificate
22 requirements of this Section, or is exempt under subsection (i)
23 of this Section. A person who completes abbreviated operating
24 and safety instruction may operate a motorboat rented from the
25 livery providing the abbreviated operating and safety
26 instruction without having a Boating Safety Certificate for up

1 to one year from the date of instruction. The Department shall
2 adopt rules to implement this subsection.

3 (g) Violations.

4 (1) A person who is operating a motorboat with over 10
5 horse power and is required to have a valid Boating Safety
6 Certificate under the provisions of this Section shall
7 present the certificate to a law enforcement officer upon
8 request. Failure of the person to present the certificate
9 upon request is a petty offense.

10 (2) A person who provides false or fictitious
11 information in an application for a Boating Safety
12 Certificate; or who alters, forges, counterfeits, or
13 falsifies a Boating Safety Certificate; or who possesses a
14 Boating Safety Certificate that has been altered, forged,
15 counterfeited, or falsified is guilty of a Class A
16 misdemeanor.

17 (3) A person who loans or permits his or her ~~their~~
18 Boating Safety Certificate to be used by another person, or
19 who operates a motorboat with over 10 horse power using a
20 Boating Safety Certificate that has not been issued to that
21 person is guilty of a Class A misdemeanor.

22 (4) A violation ~~Violations~~ of this Section done with
23 the knowledge of a parent or guardian shall be deemed a
24 violation by the parent or guardian and punishable under
25 Section 11A-1.

26 (h) The Department of Natural Resources shall establish a

1 program of instruction on boating safety, laws, regulations and
2 administrative laws, and any other subject matter which might
3 be related to the subject of general boat safety. The program
4 shall be conducted by instructors certified by the Department
5 of Natural Resources. The course of instruction for persons
6 certified to teach boating safety shall be not less than 8
7 hours in length, and the Department shall have the authority to
8 revoke the certification of any instructor who has demonstrated
9 his inability to conduct courses on the subject matter. The
10 Department of Natural Resources shall develop and provide a
11 method for students to complete the program online. Students
12 satisfactorily completing a program of not less than 8 hours in
13 length shall receive a certificate of safety from the
14 Department of Natural Resources. The Department may cooperate
15 with schools, online vendors, private clubs and other
16 organizations in offering boating safety courses throughout
17 the State of Illinois.

18 The Department shall issue certificates of boating safety
19 to persons 10 years of age or older successfully completing the
20 prescribed course of instruction and passing such tests as may
21 be prescribed by the Department. The Department may charge each
22 person who enrolls in a course of instruction a fee not to
23 exceed \$5. If a fee is authorized by the Department, the
24 Department shall authorize instructors conducting such courses
25 meeting standards established by it to charge for the rental of
26 facilities or for the cost of materials utilized in the course.

1 Fees retained by the Department shall be utilized to defray a
2 part of its expenses to operate the safety and accident
3 reporting programs of the Department.

4 (i) A Boating Safety Certificate is not required by:

5 (1) a person who possesses a valid United States Coast
6 Guard commercial vessel operator's license or a marine
7 certificate issued by the Canadian government;

8 (2) a person employed by the United States, this State,
9 another state, or a subdivision thereof while in
10 performance of his or her official duties;

11 (3) a person who is not a resident, is temporarily
12 using the waters of this State for a period not to exceed
13 90 days, and meets any applicable boating safety education
14 requirements of his or her state of residency or possesses
15 a Canadian Pleasure Craft Operator's Card;

16 (4) a person who is a resident of this State who has
17 met the applicable boating safety education requirements
18 of another state or possesses a Canadian Pleasure Craft
19 Operator's Card;

20 (5) a person who has assumed operation of the motorboat
21 due to the illness or physical impairment of the operator,
22 and is returning the motorboat or personal watercraft to
23 shore in order to provide assistance or care for that
24 operator;

25 (6) a person who is registered as a commercial
26 fisherman or a person who is under the onboard direct

1 supervision of the commercial fisherman while operating
2 the commercial fisherman's vessel;

3 (7) a person who is serving or has qualified as a
4 surface warfare officer or enlisted surface warfare
5 specialist in the United States Navy;

6 (8) a person who has assumed operation of the motorboat
7 for the purpose of completing a watercraft safety course
8 approved by the Department, the U.S. Coast Guard, or the
9 National Association of State Boating Law Administrators;

10 (9) a person using only an electric motor to propel the
11 motorboat;

12 (10) a person operating a motorboat on private
13 property; or

14 (11) a person over the age of 12 years who holds a
15 valid certificate issued by another state, a province of
16 the Dominion of Canada, the United States Coast Guard
17 Auxiliary or the United States Power Squadron need not
18 obtain a certificate from the Department if the course
19 content of the program in such other state, province or
20 organization substantially meets that established by the
21 Department under this Section. A certificate issued by the
22 Department or by another state, province of the Dominion of
23 Canada or approved organization shall not constitute an
24 operator's license, but shall certify only that the student
25 has successfully passed a course in boating safety
26 instruction.

1 (j) The Department of Natural Resources shall adopt rules
2 necessary to implement this Section. The Department of Natural
3 Resources shall consult and coordinate with the boating public,
4 professional organizations for recreational boating safety,
5 and the boating retail, leasing, and dealer business community
6 in the adoption of these rules.

7 (Source: P.A. 98-698, eff. 1-1-15; revised 12-10-14.)

8 Section 475. The Clerks of Courts Act is amended by
9 changing Section 27.6 as follows:

10 (705 ILCS 105/27.6)

11 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
12 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
13 98-658, and 98-1013)

14 Sec. 27.6. (a) All fees, fines, costs, additional
15 penalties, bail balances assessed or forfeited, and any other
16 amount paid by a person to the circuit clerk equalling an
17 amount of \$55 or more, except the fine imposed by Section
18 5-9-1.15 of the Unified Code of Corrections, the additional fee
19 required by subsections (b) and (c), restitution under Section
20 5-5-6 of the Unified Code of Corrections, contributions to a
21 local anti-crime program ordered pursuant to Section
22 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
23 Corrections, reimbursement for the costs of an emergency
24 response as provided under Section 11-501 of the Illinois

1 Vehicle Code, any fees collected for attending a traffic safety
2 program under paragraph (c) of Supreme Court Rule 529, any fee
3 collected on behalf of a State's Attorney under Section 4-2002
4 of the Counties Code or a sheriff under Section 4-5001 of the
5 Counties Code, or any cost imposed under Section 124A-5 of the
6 Code of Criminal Procedure of 1963, for convictions, orders of
7 supervision, or any other disposition for a violation of
8 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
9 similar provision of a local ordinance, and any violation of
10 the Child Passenger Protection Act, or a similar provision of a
11 local ordinance, and except as otherwise provided in this
12 Section shall be disbursed within 60 days after receipt by the
13 circuit clerk as follows: 44.5% shall be disbursed to the
14 entity authorized by law to receive the fine imposed in the
15 case; 16.825% shall be disbursed to the State Treasurer; and
16 38.675% shall be disbursed to the county's general corporate
17 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
18 shall be deposited by the State Treasurer into the Violent
19 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
20 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
21 be deposited into the Drivers Education Fund, and 6.948/17
22 shall be deposited into the Trauma Center Fund. Of the 6.948/17
23 deposited into the Trauma Center Fund from the 16.825%
24 disbursed to the State Treasurer, 50% shall be disbursed to the
25 Department of Public Health and 50% shall be disbursed to the
26 Department of Healthcare and Family Services. For fiscal year

1 1993, amounts deposited into the Violent Crime Victims
2 Assistance Fund, the Traffic and Criminal Conviction Surcharge
3 Fund, or the Drivers Education Fund shall not exceed 110% of
4 the amounts deposited into those funds in fiscal year 1991. Any
5 amount that exceeds the 110% limit shall be distributed as
6 follows: 50% shall be disbursed to the county's general
7 corporate fund and 50% shall be disbursed to the entity
8 authorized by law to receive the fine imposed in the case. Not
9 later than March 1 of each year the circuit clerk shall submit
10 a report of the amount of funds remitted to the State Treasurer
11 under this Section during the preceding year based upon
12 independent verification of fines and fees. All counties shall
13 be subject to this Section, except that counties with a
14 population under 2,000,000 may, by ordinance, elect not to be
15 subject to this Section. For offenses subject to this Section,
16 judges shall impose one total sum of money payable for
17 violations. The circuit clerk may add on no additional amounts
18 except for amounts that are required by Sections 27.3a and
19 27.3c of this Act, unless those amounts are specifically waived
20 by the judge. With respect to money collected by the circuit
21 clerk as a result of forfeiture of bail, ex parte judgment or
22 guilty plea pursuant to Supreme Court Rule 529, the circuit
23 clerk shall first deduct and pay amounts required by Sections
24 27.3a and 27.3c of this Act. This Section is a denial and
25 limitation of home rule powers and functions under subsection
26 (h) of Section 6 of Article VII of the Illinois Constitution.

1 (b) In addition to any other fines and court costs assessed
2 by the courts, any person convicted or receiving an order of
3 supervision for driving under the influence of alcohol or drugs
4 shall pay an additional fee of \$100 to the clerk of the circuit
5 court. This amount, less 2 1/2% that shall be used to defray
6 administrative costs incurred by the clerk, shall be remitted
7 by the clerk to the Treasurer within 60 days after receipt for
8 deposit into the Trauma Center Fund. This additional fee of
9 \$100 shall not be considered a part of the fine for purposes of
10 any reduction in the fine for time served either before or
11 after sentencing. Not later than March 1 of each year the
12 Circuit Clerk shall submit a report of the amount of funds
13 remitted to the State Treasurer under this subsection during
14 the preceding calendar year.

15 (b-1) In addition to any other fines and court costs
16 assessed by the courts, any person convicted or receiving an
17 order of supervision for driving under the influence of alcohol
18 or drugs shall pay an additional fee of \$5 to the clerk of the
19 circuit court. This amount, less 2 1/2% that shall be used to
20 defray administrative costs incurred by the clerk, shall be
21 remitted by the clerk to the Treasurer within 60 days after
22 receipt for deposit into the Spinal Cord Injury Paralysis Cure
23 Research Trust Fund. This additional fee of \$5 shall not be
24 considered a part of the fine for purposes of any reduction in
25 the fine for time served either before or after sentencing. Not
26 later than March 1 of each year the Circuit Clerk shall submit

1 a report of the amount of funds remitted to the State Treasurer
2 under this subsection during the preceding calendar year.

3 (c) In addition to any other fines and court costs assessed
4 by the courts, any person convicted for a violation of Sections
5 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 or a person sentenced for a violation of
7 the Cannabis Control Act, the Illinois Controlled Substances
8 Act, or the Methamphetamine Control and Community Protection
9 Act shall pay an additional fee of \$100 to the clerk of the
10 circuit court. This amount, less 2 1/2% that shall be used to
11 defray administrative costs incurred by the clerk, shall be
12 remitted by the clerk to the Treasurer within 60 days after
13 receipt for deposit into the Trauma Center Fund. This
14 additional fee of \$100 shall not be considered a part of the
15 fine for purposes of any reduction in the fine for time served
16 either before or after sentencing. Not later than March 1 of
17 each year the Circuit Clerk shall submit a report of the amount
18 of funds remitted to the State Treasurer under this subsection
19 during the preceding calendar year.

20 (c-1) In addition to any other fines and court costs
21 assessed by the courts, any person sentenced for a violation of
22 the Cannabis Control Act, the Illinois Controlled Substances
23 Act, or the Methamphetamine Control and Community Protection
24 Act shall pay an additional fee of \$5 to the clerk of the
25 circuit court. This amount, less 2 1/2% that shall be used to
26 defray administrative costs incurred by the clerk, shall be

1 remitted by the clerk to the Treasurer within 60 days after
2 receipt for deposit into the Spinal Cord Injury Paralysis Cure
3 Research Trust Fund. This additional fee of \$5 shall not be
4 considered a part of the fine for purposes of any reduction in
5 the fine for time served either before or after sentencing. Not
6 later than March 1 of each year the Circuit Clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this subsection during the preceding calendar year.

9 (d) The following amounts must be remitted to the State
10 Treasurer for deposit into the Illinois Animal Abuse Fund:

11 (1) 50% of the amounts collected for felony offenses
12 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
13 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
14 Animals Act and Section 26-5 or 48-1 of the Criminal Code
15 of 1961 or the Criminal Code of 2012;

16 (2) 20% of the amounts collected for Class A and Class
17 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
18 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
19 for Animals Act and Section 26-5 or 48-1 of the Criminal
20 Code of 1961 or the Criminal Code of 2012; and

21 (3) 50% of the amounts collected for Class C
22 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
23 for Animals Act and Section 26-5 or 48-1 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 (e) Any person who receives a disposition of court
26 supervision for a violation of the Illinois Vehicle Code or a

1 similar provision of a local ordinance shall, in addition to
2 any other fines, fees, and court costs, pay an additional fee
3 of \$29, to be disbursed as provided in Section 16-104c of the
4 Illinois Vehicle Code. In addition to the fee of \$29, the
5 person shall also pay a fee of \$6, if not waived by the court.
6 If this \$6 fee is collected, \$5.50 of the fee shall be
7 deposited into the Circuit Court Clerk Operation and
8 Administrative Fund created by the Clerk of the Circuit Court
9 and 50 cents of the fee shall be deposited into the Prisoner
10 Review Board Vehicle and Equipment Fund in the State treasury.

11 (f) This Section does not apply to the additional child
12 pornography fines assessed and collected under Section
13 5-9-1.14 of the Unified Code of Corrections.

14 (g) (Blank).

15 (h) (Blank).

16 (i) Of the amounts collected as fines under subsection (b)
17 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
18 deposited into the Illinois Military Family Relief Fund and 1%
19 shall be deposited into the Circuit Court Clerk Operation and
20 Administrative Fund created by the Clerk of the Circuit Court
21 to be used to offset the costs incurred by the Circuit Court
22 Clerk in performing the additional duties required to collect
23 and disburse funds to entities of State and local government as
24 provided by law.

25 (j) Any person convicted of, pleading guilty to, or placed
26 on supervision for a serious traffic violation, as defined in

1 Section 1-187.001 of the Illinois Vehicle Code, a violation of
2 Section 11-501 of the Illinois Vehicle Code, or a violation of
3 a similar provision of a local ordinance shall pay an
4 additional fee of \$35, to be disbursed as provided in Section
5 16-104d of that Code.

6 This subsection (j) becomes inoperative on January 1, 2020.

7 (k) For any conviction or disposition of court supervision
8 for a violation of Section 11-1429 of the Illinois Vehicle
9 Code, the circuit clerk shall distribute the fines paid by the
10 person as specified by subsection (h) of Section 11-1429 of the
11 Illinois Vehicle Code.

12 (l) Any person who receives a disposition of court
13 supervision for a violation of Section 11-501 of the Illinois
14 Vehicle Code or a similar provision of a local ordinance shall,
15 in addition to any other fines, fees, and court costs, pay an
16 additional fee of \$50, which shall be collected by the circuit
17 clerk and then remitted to the State Treasurer for deposit into
18 the Roadside Memorial Fund, a special fund in the State
19 treasury. However, the court may waive the fee if full
20 restitution is complied with. Subject to appropriation, all
21 moneys in the Roadside Memorial Fund shall be used by the
22 Department of Transportation to pay fees imposed under
23 subsection (f) of Section 20 of the Roadside Memorial Act. The
24 fee shall be remitted by the circuit clerk within one month
25 after receipt to the State Treasurer for deposit into the
26 Roadside Memorial Fund.

1 (m) Of the amounts collected as fines under subsection (c)
2 of Section 411.4 of the Illinois Controlled Substances Act or
3 subsection (c) of Section 90 of the Methamphetamine Control and
4 Community Protection Act, 99% shall be deposited to the law
5 enforcement agency or fund specified and 1% shall be deposited
6 into the Circuit Court Clerk Operation and Administrative Fund
7 to be used to offset the costs incurred by the Circuit Court
8 Clerk in performing the additional duties required to collect
9 and disburse funds to entities of State and local government as
10 provided by law.

11 (n) In addition to any other fines and court costs assessed
12 by the courts, any person who is convicted of or pleads guilty
13 to a violation of the Criminal Code of 1961 or the Criminal
14 Code of 2012, or a similar provision of a local ordinance, or
15 who is convicted of, pleads guilty to, or receives a
16 disposition of court supervision for a violation of the
17 Illinois Vehicle Code, or a similar provision of a local
18 ordinance, shall pay an additional fee of \$15 to the clerk of
19 the circuit court. This additional fee of \$15 shall not be
20 considered a part of the fine for purposes of any reduction in
21 the fine for time served either before or after sentencing.
22 This amount, less 2.5% that shall be used to defray
23 administrative costs incurred by the clerk, shall be remitted
24 by the clerk to the State Treasurer within 60 days after
25 receipt for deposit into the State Police Merit Board Public
26 Safety Fund.

1 (o) The amounts collected as fines under Sections 10-9,
2 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
3 be collected by the circuit clerk and distributed as provided
4 under Section 5-9-1.21 of the Unified Code of Corrections in
5 lieu of any disbursement under subsection (a) of this Section.

6 (Source: P.A. 97-434, eff. 1-1-12; 97-1051, eff. 1-1-13;
7 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-658, eff.
8 6-23-14; 98-1013, eff. 1-1-15; revised 10-2-14.)

9 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
10 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
11 98-658, and 98-1013)

12 Sec. 27.6. (a) All fees, fines, costs, additional
13 penalties, bail balances assessed or forfeited, and any other
14 amount paid by a person to the circuit clerk equalling an
15 amount of \$55 or more, except the fine imposed by Section
16 5-9-1.15 of the Unified Code of Corrections, the additional fee
17 required by subsections (b) and (c), restitution under Section
18 5-5-6 of the Unified Code of Corrections, contributions to a
19 local anti-crime program ordered pursuant to Section
20 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
21 Corrections, reimbursement for the costs of an emergency
22 response as provided under Section 11-501 of the Illinois
23 Vehicle Code, any fees collected for attending a traffic safety
24 program under paragraph (c) of Supreme Court Rule 529, any fee
25 collected on behalf of a State's Attorney under Section 4-2002

1 of the Counties Code or a sheriff under Section 4-5001 of the
2 Counties Code, or any cost imposed under Section 124A-5 of the
3 Code of Criminal Procedure of 1963, for convictions, orders of
4 supervision, or any other disposition for a violation of
5 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
6 similar provision of a local ordinance, and any violation of
7 the Child Passenger Protection Act, or a similar provision of a
8 local ordinance, and except as otherwise provided in this
9 Section shall be disbursed within 60 days after receipt by the
10 circuit clerk as follows: 44.5% shall be disbursed to the
11 entity authorized by law to receive the fine imposed in the
12 case; 16.825% shall be disbursed to the State Treasurer; and
13 38.675% shall be disbursed to the county's general corporate
14 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
15 shall be deposited by the State Treasurer into the Violent
16 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
17 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
18 be deposited into the Drivers Education Fund, and 6.948/17
19 shall be deposited into the Trauma Center Fund. Of the 6.948/17
20 deposited into the Trauma Center Fund from the 16.825%
21 disbursed to the State Treasurer, 50% shall be disbursed to the
22 Department of Public Health and 50% shall be disbursed to the
23 Department of Healthcare and Family Services. For fiscal year
24 1993, amounts deposited into the Violent Crime Victims
25 Assistance Fund, the Traffic and Criminal Conviction Surcharge
26 Fund, or the Drivers Education Fund shall not exceed 110% of

1 the amounts deposited into those funds in fiscal year 1991. Any
2 amount that exceeds the 110% limit shall be distributed as
3 follows: 50% shall be disbursed to the county's general
4 corporate fund and 50% shall be disbursed to the entity
5 authorized by law to receive the fine imposed in the case. Not
6 later than March 1 of each year the circuit clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this Section during the preceding year based upon
9 independent verification of fines and fees. All counties shall
10 be subject to this Section, except that counties with a
11 population under 2,000,000 may, by ordinance, elect not to be
12 subject to this Section. For offenses subject to this Section,
13 judges shall impose one total sum of money payable for
14 violations. The circuit clerk may add on no additional amounts
15 except for amounts that are required by Sections 27.3a and
16 27.3c of this Act, Section 16-104c of the Illinois Vehicle
17 Code, and subsection (a) of Section 5-1101 of the Counties
18 Code, unless those amounts are specifically waived by the
19 judge. With respect to money collected by the circuit clerk as
20 a result of forfeiture of bail, ex parte judgment or guilty
21 plea pursuant to Supreme Court Rule 529, the circuit clerk
22 shall first deduct and pay amounts required by Sections 27.3a
23 and 27.3c of this Act. Unless a court ordered payment schedule
24 is implemented or fee requirements are waived pursuant to court
25 order, the clerk of the court may add to any unpaid fees and
26 costs a delinquency amount equal to 5% of the unpaid fees that

1 remain unpaid after 30 days, 10% of the unpaid fees that remain
2 unpaid after 60 days, and 15% of the unpaid fees that remain
3 unpaid after 90 days. Notice to those parties may be made by
4 signage posting or publication. The additional delinquency
5 amounts collected under this Section shall be deposited in the
6 Circuit Court Clerk Operation and Administrative Fund to be
7 used to defray administrative costs incurred by the circuit
8 clerk in performing the duties required to collect and disburse
9 funds. This Section is a denial and limitation of home rule
10 powers and functions under subsection (h) of Section 6 of
11 Article VII of the Illinois Constitution.

12 (b) In addition to any other fines and court costs assessed
13 by the courts, any person convicted or receiving an order of
14 supervision for driving under the influence of alcohol or drugs
15 shall pay an additional fee of \$100 to the clerk of the circuit
16 court. This amount, less 2 1/2% that shall be used to defray
17 administrative costs incurred by the clerk, shall be remitted
18 by the clerk to the Treasurer within 60 days after receipt for
19 deposit into the Trauma Center Fund. This additional fee of
20 \$100 shall not be considered a part of the fine for purposes of
21 any reduction in the fine for time served either before or
22 after sentencing. Not later than March 1 of each year the
23 Circuit Clerk shall submit a report of the amount of funds
24 remitted to the State Treasurer under this subsection during
25 the preceding calendar year.

26 (b-1) In addition to any other fines and court costs

1 assessed by the courts, any person convicted or receiving an
2 order of supervision for driving under the influence of alcohol
3 or drugs shall pay an additional fee of \$5 to the clerk of the
4 circuit court. This amount, less 2 1/2% that shall be used to
5 defray administrative costs incurred by the clerk, shall be
6 remitted by the clerk to the Treasurer within 60 days after
7 receipt for deposit into the Spinal Cord Injury Paralysis Cure
8 Research Trust Fund. This additional fee of \$5 shall not be
9 considered a part of the fine for purposes of any reduction in
10 the fine for time served either before or after sentencing. Not
11 later than March 1 of each year the Circuit Clerk shall submit
12 a report of the amount of funds remitted to the State Treasurer
13 under this subsection during the preceding calendar year.

14 (c) In addition to any other fines and court costs assessed
15 by the courts, any person convicted for a violation of Sections
16 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 or a person sentenced for a violation of
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
20 Act shall pay an additional fee of \$100 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Trauma Center Fund. This
25 additional fee of \$100 shall not be considered a part of the
26 fine for purposes of any reduction in the fine for time served

1 either before or after sentencing. Not later than March 1 of
2 each year the Circuit Clerk shall submit a report of the amount
3 of funds remitted to the State Treasurer under this subsection
4 during the preceding calendar year.

5 (c-1) In addition to any other fines and court costs
6 assessed by the courts, any person sentenced for a violation of
7 the Cannabis Control Act, the Illinois Controlled Substances
8 Act, or the Methamphetamine Control and Community Protection
9 Act shall pay an additional fee of \$5 to the clerk of the
10 circuit court. This amount, less 2 1/2% that shall be used to
11 defray administrative costs incurred by the clerk, shall be
12 remitted by the clerk to the Treasurer within 60 days after
13 receipt for deposit into the Spinal Cord Injury Paralysis Cure
14 Research Trust Fund. This additional fee of \$5 shall not be
15 considered a part of the fine for purposes of any reduction in
16 the fine for time served either before or after sentencing. Not
17 later than March 1 of each year the Circuit Clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this subsection during the preceding calendar year.

20 (d) The following amounts must be remitted to the State
21 Treasurer for deposit into the Illinois Animal Abuse Fund:

22 (1) 50% of the amounts collected for felony offenses
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
25 Animals Act and Section 26-5 or 48-1 of the Criminal Code
26 of 1961 or the Criminal Code of 2012;

1 (2) 20% of the amounts collected for Class A and Class
2 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
3 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
4 for Animals Act and Section 26-5 or 48-1 of the Criminal
5 Code of 1961 or the Criminal Code of 2012; and

6 (3) 50% of the amounts collected for Class C
7 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
8 for Animals Act and Section 26-5 or 48-1 of the Criminal
9 Code of 1961 or the Criminal Code of 2012.

10 (e) Any person who receives a disposition of court
11 supervision for a violation of the Illinois Vehicle Code or a
12 similar provision of a local ordinance shall, in addition to
13 any other fines, fees, and court costs, pay an additional fee
14 of \$29, to be disbursed as provided in Section 16-104c of the
15 Illinois Vehicle Code. In addition to the fee of \$29, the
16 person shall also pay a fee of \$6, if not waived by the court.
17 If this \$6 fee is collected, \$5.50 of the fee shall be
18 deposited into the Circuit Court Clerk Operation and
19 Administrative Fund created by the Clerk of the Circuit Court
20 and 50 cents of the fee shall be deposited into the Prisoner
21 Review Board Vehicle and Equipment Fund in the State treasury.

22 (f) This Section does not apply to the additional child
23 pornography fines assessed and collected under Section
24 5-9-1.14 of the Unified Code of Corrections.

25 (g) Any person convicted of or pleading guilty to a serious
26 traffic violation, as defined in Section 1-187.001 of the

1 Illinois Vehicle Code, shall pay an additional fee of \$35, to
2 be disbursed as provided in Section 16-104d of that Code. This
3 subsection (g) becomes inoperative on January 1, 2020.

4 (h) In all counties having a population of 3,000,000 or
5 more inhabitants,

6 (1) A person who is found guilty of or pleads guilty to
7 violating subsection (a) of Section 11-501 of the Illinois
8 Vehicle Code, including any person placed on court
9 supervision for violating subsection (a), shall be fined
10 \$750 as provided for by subsection (f) of Section 11-501.01
11 of the Illinois Vehicle Code, payable to the circuit clerk,
12 who shall distribute the money pursuant to subsection (f)
13 of Section 11-501.01 of the Illinois Vehicle Code.

14 (2) When a crime laboratory DUI analysis fee of \$150,
15 provided for by Section 5-9-1.9 of the Unified Code of
16 Corrections is assessed, it shall be disbursed by the
17 circuit clerk as provided by subsection (f) of Section
18 5-9-1.9 of the Unified Code of Corrections.

19 (3) When a fine for a violation of Section 11-605.1 of
20 the Illinois Vehicle Code is \$250 or greater, the person
21 who violated that Section shall be charged an additional
22 \$125 as provided for by subsection (e) of Section 11-605.1
23 of the Illinois Vehicle Code, which shall be disbursed by
24 the circuit clerk to a State or county Transportation
25 Safety Highway Hire-back Fund as provided by subsection (e)
26 of Section 11-605.1 of the Illinois Vehicle Code.

1 (4) When a fine for a violation of subsection (a) of
2 Section 11-605 of the Illinois Vehicle Code is \$150 or
3 greater, the additional \$50 which is charged as provided
4 for by subsection (f) of Section 11-605 of the Illinois
5 Vehicle Code shall be disbursed by the circuit clerk to a
6 school district or districts for school safety purposes as
7 provided by subsection (f) of Section 11-605.

8 (5) When a fine for a violation of subsection (a) of
9 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
10 greater, the additional \$50 which is charged as provided
11 for by subsection (c) of Section 11-1002.5 of the Illinois
12 Vehicle Code shall be disbursed by the circuit clerk to a
13 school district or districts for school safety purposes as
14 provided by subsection (c) of Section 11-1002.5 of the
15 Illinois Vehicle Code.

16 (6) When a mandatory drug court fee of up to \$5 is
17 assessed as provided in subsection (f) of Section 5-1101 of
18 the Counties Code, it shall be disbursed by the circuit
19 clerk as provided in subsection (f) of Section 5-1101 of
20 the Counties Code.

21 (7) When a mandatory teen court, peer jury, youth
22 court, or other youth diversion program fee is assessed as
23 provided in subsection (e) of Section 5-1101 of the
24 Counties Code, it shall be disbursed by the circuit clerk
25 as provided in subsection (e) of Section 5-1101 of the
26 Counties Code.

1 (8) When a Children's Advocacy Center fee is assessed
2 pursuant to subsection (f-5) of Section 5-1101 of the
3 Counties Code, it shall be disbursed by the circuit clerk
4 as provided in subsection (f-5) of Section 5-1101 of the
5 Counties Code.

6 (9) When a victim impact panel fee is assessed pursuant
7 to subsection (b) of Section 11-501.01 of the Vehicle Code,
8 it shall be disbursed by the circuit clerk to the victim
9 impact panel to be attended by the defendant.

10 (10) When a new fee collected in traffic cases is
11 enacted after the effective date of this subsection (h), it
12 shall be excluded from the percentage disbursement
13 provisions of this Section unless otherwise indicated by
14 law.

15 (i) Of the amounts collected as fines under subsection (b)
16 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
17 deposited into the Illinois Military Family Relief Fund and 1%
18 shall be deposited into the Circuit Court Clerk Operation and
19 Administrative Fund created by the Clerk of the Circuit Court
20 to be used to offset the costs incurred by the Circuit Court
21 Clerk in performing the additional duties required to collect
22 and disburse funds to entities of State and local government as
23 provided by law.

24 (j) (Blank).

25 (k) For any conviction or disposition of court supervision
26 for a violation of Section 11-1429 of the Illinois Vehicle

1 Code, the circuit clerk shall distribute the fines paid by the
2 person as specified by subsection (h) of Section 11-1429 of the
3 Illinois Vehicle Code.

4 (l) Any person who receives a disposition of court
5 supervision for a violation of Section 11-501 of the Illinois
6 Vehicle Code or a similar provision of a local ordinance shall,
7 in addition to any other fines, fees, and court costs, pay an
8 additional fee of \$50, which shall be collected by the circuit
9 clerk and then remitted to the State Treasurer for deposit into
10 the Roadside Memorial Fund, a special fund in the State
11 treasury. However, the court may waive the fee if full
12 restitution is complied with. Subject to appropriation, all
13 moneys in the Roadside Memorial Fund shall be used by the
14 Department of Transportation to pay fees imposed under
15 subsection (f) of Section 20 of the Roadside Memorial Act. The
16 fee shall be remitted by the circuit clerk within one month
17 after receipt to the State Treasurer for deposit into the
18 Roadside Memorial Fund.

19 (m) Of the amounts collected as fines under subsection (c)
20 of Section 411.4 of the Illinois Controlled Substances Act or
21 subsection (c) of Section 90 of the Methamphetamine Control and
22 Community Protection Act, 99% shall be deposited to the law
23 enforcement agency or fund specified and 1% shall be deposited
24 into the Circuit Court Clerk Operation and Administrative Fund
25 to be used to offset the costs incurred by the Circuit Court
26 Clerk in performing the additional duties required to collect

1 and disburse funds to entities of State and local government as
2 provided by law.

3 (n) In addition to any other fines and court costs assessed
4 by the courts, any person who is convicted of or pleads guilty
5 to a violation of the Criminal Code of 1961 or the Criminal
6 Code of 2012, or a similar provision of a local ordinance, or
7 who is convicted of, pleads guilty to, or receives a
8 disposition of court supervision for a violation of the
9 Illinois Vehicle Code, or a similar provision of a local
10 ordinance, shall pay an additional fee of \$15 to the clerk of
11 the circuit court. This additional fee of \$15 shall not be
12 considered a part of the fine for purposes of any reduction in
13 the fine for time served either before or after sentencing.
14 This amount, less 2.5% that shall be used to defray
15 administrative costs incurred by the clerk, shall be remitted
16 by the clerk to the State Treasurer within 60 days after
17 receipt for deposit into the State Police Merit Board Public
18 Safety Fund.

19 (o) The amounts collected as fines under Sections 10-9,
20 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
21 be collected by the circuit clerk and distributed as provided
22 under Section 5-9-1.21 of the Unified Code of Corrections in
23 lieu of any disbursement under subsection (a) of this Section.

24 (Source: P.A. 97-434, eff. 1-1-12; 97-1051, eff. 1-1-13;
25 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-658, eff.
26 6-23-14; 98-1013, eff. 1-1-15; revised 10-2-14.)

1 Section 480. The Juvenile Court Act of 1987 is amended by
2 changing Sections 3-40, 5-105, and 5-301 as follows:

3 (705 ILCS 405/3-40)

4 Sec. 3-40. Minors involved in electronic dissemination of
5 indecent visual depictions in need of supervision.

6 (a) For the purposes of this Section:

7 "Computer" has the meaning ascribed to it in Section 17-0.5
8 of the Criminal Code of 2012.

9 "Electronic communication device" means an electronic
10 device, including but not limited to a wireless telephone,
11 personal digital assistant, or a portable or mobile computer,
12 that is capable of transmitting images or pictures.

13 "Indecent visual depiction" means a depiction or portrayal
14 in any pose, posture, or setting involving a lewd exhibition of
15 the unclothed or transparently clothed genitals, pubic area,
16 buttocks, or, if such person is female, a fully or partially
17 developed breast of the person.

18 "Minor" means a person under 18 years of age.

19 (b) A minor shall not distribute or disseminate an indecent
20 visual depiction of another minor through the use of a computer
21 or electronic communication device.

22 (c) Adjudication. A minor who violates subsection (b) of
23 this Section may be subject to a petition for adjudication and
24 adjudged a minor in need of supervision.

1 (d) Kinds of dispositional orders. A minor found to be in
2 need of supervision under this Section may be:

3 (1) ordered to obtain counseling or other supportive
4 services to address the acts that led to the need for
5 supervision; or

6 (2) ordered to perform community service.

7 (e) Nothing in this Section shall be construed to prohibit
8 a prosecution for disorderly conduct, public indecency, child
9 pornography, a violation of Article 26.5 (Harassing and Obscene
10 Communications) of the Criminal Code of 2012, or any other
11 applicable provision of law.

12 (Source: P.A. 96-1087, eff. 1-1-11; 97-1108, eff. 1-1-13;
13 97-1150, eff. 1-25-13; revised 12-10-14.)

14 (705 ILCS 405/5-105)

15 Sec. 5-105. Definitions. As used in this Article:

16 (1) "Aftercare release" means the conditional and
17 revocable release of an adjudicated delinquent juvenile
18 committed to the Department of Juvenile Justice under the
19 supervision of the Department of Juvenile Justice.

20 (1.5) "Court" means the circuit court in a session or
21 division assigned to hear proceedings under this Act, and
22 includes the term Juvenile Court.

23 (2) "Community service" means uncompensated labor for
24 a community service agency as hereinafter defined.

25 (2.5) "Community service agency" means a

1 not-for-profit organization, community organization,
2 church, charitable organization, individual, public
3 office, or other public body whose purpose is to enhance
4 the physical or mental health of a delinquent minor or to
5 rehabilitate the minor, or to improve the environmental
6 quality or social welfare of the community which agrees to
7 accept community service from juvenile delinquents and to
8 report on the progress of the community service to the
9 State's Attorney pursuant to an agreement or to the court
10 or to any agency designated by the court or to the
11 authorized diversion program that has referred the
12 delinquent minor for community service.

13 (3) "Delinquent minor" means any minor who prior to his
14 or her 18th birthday has violated or attempted to violate,
15 regardless of where the act occurred, any federal, State,
16 county or municipal law or ordinance.

17 (4) "Department" means the Department of Human
18 Services unless specifically referenced as another
19 department.

20 (5) "Detention" means the temporary care of a minor who
21 is alleged to be or has been adjudicated delinquent and who
22 requires secure custody for the minor's own protection or
23 the community's protection in a facility designed to
24 physically restrict the minor's movements, pending
25 disposition by the court or execution of an order of the
26 court for placement or commitment. Design features that

1 physically restrict movement include, but are not limited
2 to, locked rooms and the secure handcuffing of a minor to a
3 rail or other stationary object. In addition, "detention"
4 includes the court ordered care of an alleged or
5 adjudicated delinquent minor who requires secure custody
6 pursuant to Section 5-125 of this Act.

7 (6) "Diversion" means the referral of a juvenile,
8 without court intervention, into a program that provides
9 services designed to educate the juvenile and develop a
10 productive and responsible approach to living in the
11 community.

12 (7) "Juvenile detention home" means a public facility
13 with specially trained staff that conforms to the county
14 juvenile detention standards adopted by the Department of
15 Juvenile Justice.

16 (8) "Juvenile justice continuum" means a set of
17 delinquency prevention programs and services designed for
18 the purpose of preventing or reducing delinquent acts,
19 including criminal activity by youth gangs, as well as
20 intervention, rehabilitation, and prevention services
21 targeted at minors who have committed delinquent acts, and
22 minors who have previously been committed to residential
23 treatment programs for delinquents. The term includes
24 children-in-need-of-services and
25 families-in-need-of-services programs; aftercare and
26 reentry services; substance abuse and mental health

1 programs; community service programs; community service
2 work programs; and alternative-dispute resolution programs
3 serving youth-at-risk of delinquency and their families,
4 whether offered or delivered by State or local governmental
5 entities, public or private for-profit or not-for-profit
6 organizations, or religious or charitable organizations.
7 This term would also encompass any program or service
8 consistent with the purpose of those programs and services
9 enumerated in this subsection.

10 (9) "Juvenile police officer" means a sworn police
11 officer who has completed a Basic Recruit Training Course,
12 has been assigned to the position of juvenile police
13 officer by his or her chief law enforcement officer and has
14 completed the necessary juvenile officers training as
15 prescribed by the Illinois Law Enforcement Training
16 Standards Board, or in the case of a State police officer,
17 juvenile officer training approved by the Director of State
18 Police.

19 (10) "Minor" means a person under the age of 21 years
20 subject to this Act.

21 (11) "Non-secure custody" means confinement where the
22 minor is not physically restricted by being placed in a
23 locked cell or room, by being handcuffed to a rail or other
24 stationary object, or by other means. Non-secure custody
25 may include, but is not limited to, electronic monitoring,
26 foster home placement, home confinement, group home

1 placement, or physical restriction of movement or activity
2 solely through facility staff.

3 (12) "Public or community service" means uncompensated
4 labor for a not-for-profit organization or public body
5 whose purpose is to enhance physical or mental stability of
6 the offender, environmental quality or the social welfare
7 and which agrees to accept public or community service from
8 offenders and to report on the progress of the offender and
9 the public or community service to the court or to the
10 authorized diversion program that has referred the
11 offender for public or community service. "Public or
12 community service" does not include blood donation or
13 assignment to labor at a blood bank. For the purposes of
14 this Act, "blood bank" has the meaning ascribed to the term
15 in Section 2-124 of the Illinois Clinical Laboratory and
16 Blood Bank Act.

17 (13) "Sentencing hearing" means a hearing to determine
18 whether a minor should be adjudged a ward of the court, and
19 to determine what sentence should be imposed on the minor.
20 It is the intent of the General Assembly that the term
21 "sentencing hearing" replace the term "dispositional
22 hearing" and be synonymous with that definition as it was
23 used in the Juvenile Court Act of 1987.

24 (14) "Shelter" means the temporary care of a minor in
25 physically unrestricting facilities pending court
26 disposition or execution of court order for placement.

1 (15) "Site" means a not-for-profit organization,
2 public body, church, charitable organization, or
3 individual agreeing to accept community service from
4 offenders and to report on the progress of ordered or
5 required public or community service to the court or to the
6 authorized diversion program that has referred the
7 offender for public or community service.

8 (16) "Station adjustment" means the informal or formal
9 handling of an alleged offender by a juvenile police
10 officer.

11 (17) "Trial" means a hearing to determine whether the
12 allegations of a petition under Section 5-520 that a minor
13 is delinquent are proved beyond a reasonable doubt. It is
14 the intent of the General Assembly that the term "trial"
15 replace the term "adjudicatory hearing" and be synonymous
16 with that definition as it was used in the Juvenile Court
17 Act of 1987.

18 The changes made to this Section by Public Act 98-61 apply
19 to violations or attempted violations committed on or after
20 January 1, 2014 (the effective date of Public Act 98-61).

21 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,
22 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; revised
23 10-2-14.)

24 (705 ILCS 405/5-301)

25 Sec. 5-301. Station adjustments. A minor arrested for any

1 offense or a violation of a condition of previous station
2 adjustment may receive a station adjustment for that arrest as
3 provided herein. In deciding whether to impose a station
4 adjustment, either informal or formal, a juvenile police
5 officer shall consider the following factors:

6 (A) The seriousness of the alleged offense.

7 (B) The prior history of delinquency of the minor.

8 (C) The age of the minor.

9 (D) The culpability of the minor in committing the
10 alleged offense.

11 (E) Whether the offense was committed in an aggressive
12 or premeditated manner.

13 (F) Whether the minor used or possessed a deadly weapon
14 when committing the alleged offenses.

15 (1) Informal station adjustment.

16 (a) An informal station adjustment is defined as a
17 procedure when a juvenile police officer determines that
18 there is probable cause to believe that the minor has
19 committed an offense.

20 (b) A minor shall receive no more than 3 informal
21 station adjustments statewide for a misdemeanor offense
22 within 3 years without prior approval from the State's
23 Attorney's Office.

24 (c) A minor shall receive no more than 3 informal
25 station adjustments statewide for a felony offense within 3
26 years without prior approval from the State's Attorney's

1 Office.

2 (d) A minor shall receive a combined total of no more
3 than 5 informal station adjustments statewide during his or
4 her minority.

5 (e) The juvenile police officer may make reasonable
6 conditions of an informal station adjustment which may
7 include but are not limited to:

8 (i) Curfew.

9 (ii) Conditions restricting entry into designated
10 geographical areas.

11 (iii) No contact with specified persons.

12 (iv) School attendance.

13 (v) Performing up to 25 hours of community service
14 work.

15 (vi) Community mediation.

16 (vii) Teen court or a peer court.

17 (viii) Restitution limited to 90 days.

18 (f) If the minor refuses or fails to abide by the
19 conditions of an informal station adjustment, the juvenile
20 police officer may impose a formal station adjustment or
21 refer the matter to the State's Attorney's Office.

22 (g) An informal station adjustment does not constitute
23 an adjudication of delinquency or a criminal conviction.
24 Beginning January 1, 2000, a record shall be maintained
25 with the Department of State Police for informal station
26 adjustments for offenses that would be a felony if

1 committed by an adult, and may be maintained if the offense
2 would be a misdemeanor.

3 (2) Formal station adjustment.

4 (a) A formal station adjustment is defined as a
5 procedure when a juvenile police officer determines that
6 there is probable cause to believe the minor has committed
7 an offense and an admission by the minor of involvement in
8 the offense.

9 (b) The minor and parent, guardian, or legal custodian
10 must agree in writing to the formal station adjustment and
11 must be advised of the consequences of violation of any
12 term of the agreement.

13 (c) The minor and parent, guardian or legal custodian
14 shall be provided a copy of the signed agreement of the
15 formal station adjustment. The agreement shall include:

16 (i) The offense which formed the basis of the
17 formal station adjustment.

18 (ii) An acknowledgment that the terms of the formal
19 station adjustment and the consequences for violation
20 have been explained.

21 (iii) An acknowledgment that the formal station
22 adjustments record may be expunged under Section 5-915
23 of this Act.

24 (iv) An acknowledgement that the minor understands
25 that his or her admission of involvement in the offense
26 may be admitted into evidence in future court hearings.

1 (v) A statement that all parties understand the
2 terms and conditions of formal station adjustment and
3 agree to the formal station adjustment process.

4 (d) Conditions of the formal station adjustment may
5 include, but are not ~~be~~ limited to:

6 (i) The time shall not exceed 120 days.

7 (ii) The minor shall not violate any laws.

8 (iii) The juvenile police officer may require the
9 minor to comply with additional conditions for the
10 formal station adjustment which may include but are not
11 limited to:

12 (a) Attending school.

13 (b) Abiding by a set curfew.

14 (c) Payment of restitution.

15 (d) Refraining from possessing a firearm or
16 other weapon.

17 (e) Reporting to a police officer at
18 designated times and places, including reporting
19 and verification that the minor is at home at
20 designated hours.

21 (f) Performing up to 25 hours of community
22 service work.

23 (g) Refraining from entering designated
24 geographical areas.

25 (h) Participating in community mediation.

26 (i) Participating in teen court or peer court.

1 (j) Refraining from contact with specified
2 persons.

3 (e) A formal station adjustment does not constitute an
4 adjudication of delinquency or a criminal conviction.
5 Beginning January 1, 2000, a record shall be maintained
6 with the Department of State Police for formal station
7 adjustments.

8 (f) A minor or the minor's parent, guardian, or legal
9 custodian, or both the minor and the minor's parent,
10 guardian, or legal custodian, may refuse a formal station
11 adjustment and have the matter referred for court action or
12 other appropriate action.

13 (g) A minor or the minor's parent, guardian, or legal
14 custodian, or both the minor and the minor's parent,
15 guardian, or legal custodian, may within 30 days of the
16 commencement of the formal station adjustment revoke their
17 consent and have the matter referred for court action or
18 other appropriate action. This revocation must be in
19 writing and personally served upon the police officer or
20 his or her supervisor.

21 (h) The admission of the minor as to involvement in the
22 offense shall be admissible at further court hearings as
23 long as the statement would be admissible under the rules
24 of evidence.

25 (i) If the minor violates any term or condition of the
26 formal station adjustment the juvenile police officer

1 shall provide written notice of violation to the minor and
2 the minor's parent, guardian, or legal custodian. After
3 consultation with the minor and the minor's parent,
4 guardian, or legal custodian, the juvenile police officer
5 may take any of the following steps upon violation:

6 (i) Warn the minor of consequences of continued
7 violations and continue the formal station adjustment.

8 (ii) Extend the period of the formal station
9 adjustment up to a total of 180 days.

10 (iii) Extend the hours of community service work up
11 to a total of 40 hours.

12 (iv) Terminate the formal station adjustment
13 unsatisfactorily and take no other action.

14 (v) Terminate the formal station adjustment
15 unsatisfactorily and refer the matter to the juvenile
16 court.

17 (j) A minor shall receive no more than 2 formal station
18 adjustments statewide for a felony offense without the
19 State's Attorney's approval within a 3 year period.

20 (k) A minor shall receive no more than 3 formal station
21 adjustments statewide for a misdemeanor offense without
22 the State's Attorney's approval within a 3 year period.

23 (l) The total for formal station adjustments statewide
24 within the period of minority may not exceed 4 without the
25 State's Attorney's approval.

26 (m) If the minor is arrested in a jurisdiction where

1 the minor does not reside, the formal station adjustment
2 may be transferred to the jurisdiction where the minor does
3 reside upon written agreement of that jurisdiction to
4 monitor the formal station adjustment.

5 (3) Beginning January 1, 2000, the juvenile police officer
6 making a station adjustment shall assure that information about
7 any offense which would constitute a felony if committed by an
8 adult and may assure that information about a misdemeanor is
9 transmitted to the Department of State Police.

10 (4) The total number of station adjustments, both formal
11 and informal, shall not exceed 9 without the State's Attorney's
12 approval for any minor arrested anywhere in the State.

13 (Source: P.A. 90-590, eff. 1-1-99; revised 12-10-14.)

14 Section 485. The Criminal Code of 2012 is amended by
15 changing Sections 12-2, 33E-14, 36-1, and 36-2 as follows:

16 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

17 Sec. 12-2. Aggravated assault.

18 (a) Offense based on location of conduct. A person commits
19 aggravated assault when he or she commits an assault against an
20 individual who is on or about a public way, public property, a
21 public place of accommodation or amusement, or a sports venue.

22 (b) Offense based on status of victim. A person commits
23 aggravated assault when, in committing an assault, he or she
24 knows the individual assaulted to be any of the following:

1 (1) A physically handicapped person or a person 60
2 years of age or older and the assault is without legal
3 justification.

4 (2) A teacher or school employee upon school grounds or
5 grounds adjacent to a school or in any part of a building
6 used for school purposes.

7 (3) A park district employee upon park grounds or
8 grounds adjacent to a park or in any part of a building
9 used for park purposes.

10 (4) A peace officer, community policing volunteer,
11 fireman, private security officer, emergency management
12 worker, emergency medical technician, or utility worker:

13 (i) performing his or her official duties;

14 (ii) assaulted to prevent performance of his or her
15 official duties; or

16 (iii) assaulted in retaliation for performing his
17 or her official duties.

18 (5) A correctional officer or probation officer:

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 (6) A correctional institution employee, a county
25 juvenile detention center employee who provides direct and
26 continuous supervision of residents of a juvenile

1 detention center, including a county juvenile detention
2 center employee who supervises recreational activity for
3 residents of a juvenile detention center, or a Department
4 of Human Services employee, Department of Human Services
5 officer, or employee of a subcontractor of the Department
6 of Human Services supervising or controlling sexually
7 dangerous persons or sexually violent persons:

8 (i) performing his or her official duties;

9 (ii) assaulted to prevent performance of his or her
10 official duties; or

11 (iii) assaulted in retaliation for performing his
12 or her official duties.

13 (7) An employee of the State of Illinois, a municipal
14 corporation therein, or a political subdivision thereof,
15 performing his or her official duties.

16 (8) A transit employee performing his or her official
17 duties, or a transit passenger.

18 (9) A sports official or coach actively participating
19 in any level of athletic competition within a sports venue,
20 on an indoor playing field or outdoor playing field, or
21 within the immediate vicinity of such a facility or field.

22 (10) A person authorized to serve process under Section
23 2-202 of the Code of Civil Procedure or a special process
24 server appointed by the circuit court, while that
25 individual is in the performance of his or her duties as a
26 process server.

1 (c) Offense based on use of firearm, device, or motor
2 vehicle. A person commits aggravated assault when, in
3 committing an assault, he or she does any of the following:

4 (1) Uses a deadly weapon, an air rifle as defined in
5 Section 24.8-0.1 of this Act ~~the Air Rifle Act~~, or any
6 device manufactured and designed to be substantially
7 similar in appearance to a firearm, other than by
8 discharging a firearm.

9 (2) Discharges a firearm, other than from a motor
10 vehicle.

11 (3) Discharges a firearm from a motor vehicle.

12 (4) Wears a hood, robe, or mask to conceal his or her
13 identity.

14 (5) Knowingly and without lawful justification shines
15 or flashes a laser gun sight or other laser device attached
16 to a firearm, or used in concert with a firearm, so that
17 the laser beam strikes near or in the immediate vicinity of
18 any person.

19 (6) Uses a firearm, other than by discharging the
20 firearm, against a peace officer, community policing
21 volunteer, fireman, private security officer, emergency
22 management worker, emergency medical technician, employee
23 of a police department, employee of a sheriff's department,
24 or traffic control municipal employee:

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 (7) Without justification operates a motor vehicle in a
5 manner which places a person, other than a person listed in
6 subdivision (b)(4), in reasonable apprehension of being
7 struck by the moving motor vehicle.

8 (8) Without justification operates a motor vehicle in a
9 manner which places a person listed in subdivision (b)(4),
10 in reasonable apprehension of being struck by the moving
11 motor vehicle.

12 (9) Knowingly video or audio records the offense with
13 the intent to disseminate the recording.

14 (d) Sentence. Aggravated assault as defined in subdivision
15 (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9),
16 (c)(1), (c)(4), or (c)(9) is a Class A misdemeanor, except that
17 aggravated assault as defined in subdivision (b)(4) and (b)(7)
18 is a Class 4 felony if a Category I, Category II, or Category
19 III weapon is used in the commission of the assault. Aggravated
20 assault as defined in subdivision (b)(5), (b)(6), (b)(10),
21 (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4 felony.
22 Aggravated assault as defined in subdivision (c)(3) or (c)(8)
23 is a Class 3 felony.

24 (e) For the purposes of this Section, "Category I weapon",
25 "Category II weapon, and "Category III weapon" have the
26 meanings ascribed to those terms in Section 33A-1 of this Code.

1 (Source: P.A. 97-225, eff. 7-28-11; 97-313, eff. 1-1-12;
2 97-333, eff. 8-12-11; 97-1109, eff. 1-1-13; 98-385, eff.
3 1-1-14; revised 12-10-14.)

4 (720 ILCS 5/33E-14)

5 Sec. 33E-14. False statements on vendor applications.

6 (a) A person commits false statements on vendor
7 applications when he or she knowingly makes any false statement
8 or report~~7~~ with the intent to influence in any way the action
9 of any unit of local government or school district in
10 considering a vendor application.

11 (b) Sentence. False statements on vendor applications is a
12 Class 3 felony.

13 (Source: P.A. 97-1108, eff. 1-1-13; revised 12-10-14.)

14 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

15 Sec. 36-1. Seizure.

16 (a) Any vessel or watercraft, vehicle, or aircraft may be
17 seized and impounded by the law enforcement agency if the
18 vessel or watercraft, vehicle, or aircraft is used with the
19 knowledge and consent of the owner in the commission of~~7~~ or in
20 the attempt to commit as defined in Section 8-4 of this Code~~7~~
21 ~~an offense prohibited by:~~

22 (1) an offense prohibited by Section 9-1 (first degree
23 murder), Section 9-3 (involuntary manslaughter and
24 reckless homicide), Section 10-2 (aggravated kidnaping),

1 Section 11-1.20 (criminal sexual assault), Section 11-1.30
2 (aggravated criminal sexual assault), Section 11-1.40
3 (predatory criminal sexual assault of a child), subsection
4 (a) of Section 11-1.50 (criminal sexual abuse), subsection
5 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
6 sexual abuse), Section 11-6 (indecent solicitation of a
7 child), Section 11-14.4 (promoting juvenile prostitution
8 except for keeping a place of juvenile prostitution),
9 Section 11-20.1 (child pornography), paragraph (a)(1),
10 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
11 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
12 (aggravated battery), Section 12-7.3 (stalking), Section
13 12-7.4 (aggravated stalking), Section 16-1 (theft if the
14 theft is of precious metal or of scrap metal), subdivision
15 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section
16 18-2 (armed robbery), Section 19-1 (burglary), Section
17 19-2 (possession of burglary tools), Section 19-3
18 (residential burglary), Section 20-1 (arson; residential
19 arson; place of worship arson), Section 20-2 (possession of
20 explosives or explosive or incendiary devices),
21 subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use
22 of weapons), Section 24-1.2 (aggravated discharge of a
23 firearm), Section 24-1.2-5 (aggravated discharge of a
24 machine gun or a firearm equipped with a device designed or
25 used for silencing the report of a firearm), Section 24-1.5
26 (reckless discharge of a firearm), Section 28-1

1 (gambling), or Section 29D-15.2 (possession of a deadly
2 substance) of this Code;

3 (2) an offense prohibited by Section 21, 22, 23, 24 or
4 26 of the Cigarette Tax Act if the vessel or watercraft,
5 vehicle, or aircraft contains more than 10 cartons of such
6 cigarettes;

7 (3) an offense prohibited by Section 28, 29, or 30 of
8 the Cigarette Use Tax Act if the vessel or watercraft,
9 vehicle, or aircraft contains more than 10 cartons of such
10 cigarettes;

11 (4) an offense prohibited by Section 44 of the
12 Environmental Protection Act;

13 (5) an offense prohibited by Section 11-204.1 of the
14 Illinois Vehicle Code (aggravated fleeing or attempting to
15 elude a peace officer);

16 (6) an offense prohibited by Section 11-501 of the
17 Illinois Vehicle Code (driving while under the influence of
18 alcohol or other drug or drugs, intoxicating compound or
19 compounds or any combination thereof) or a similar
20 provision of a local ordinance, and:

21 (A) during a period in which his or her driving
22 privileges are revoked or suspended if the revocation
23 or suspension was for:

24 (i) Section 11-501 (driving under the
25 influence of alcohol or other drug or drugs,
26 intoxicating compound or compounds or any

1 combination thereof),

2 (ii) Section 11-501.1 (statutory summary

3 suspension or revocation),

4 (iii) paragraph (b) of Section 11-401 (motor

5 vehicle accidents involving death or personal

6 injuries), or

7 (iv) reckless homicide as defined in Section

8 9-3 of this Code;

9 (B) has been previously convicted of reckless

10 homicide or a similar provision of a law of another

11 state relating to reckless homicide in which the person

12 was determined to have been under the influence of

13 alcohol, other drug or drugs, or intoxicating compound

14 or compounds as an element of the offense or the person

15 has previously been convicted of committing a

16 violation of driving under the influence of alcohol or

17 other drug or drugs, intoxicating compound or

18 compounds or any combination thereof and was involved

19 in a motor vehicle accident that resulted in death,

20 great bodily harm, or permanent disability or

21 disfigurement to another, when the violation was a

22 proximate cause of the death or injuries;

23 (C) the person committed a violation of driving

24 under the influence of alcohol or other drug or drugs,

25 intoxicating compound or compounds or any combination

26 thereof under Section 11-501 of the Illinois Vehicle

1 Code or a similar provision for the third or subsequent
2 time;

3 (D) he or she did not possess a valid driver's
4 license or permit or a valid restricted driving permit
5 or a valid judicial driving permit or a valid
6 monitoring device driving permit; or

7 (E) he or she knew or should have known that the
8 vehicle he or she was driving was not covered by a
9 liability insurance policy;

10 (7) an offense described in subsection (g) of Section
11 6-303 of the Illinois Vehicle Code;

12 (8) an offense described in subsection (e) of Section
13 6-101 of the Illinois Vehicle Code; or

14 (9) (A) ~~(i) — (1)~~ operating a watercraft under the
15 influence of alcohol, other drug or drugs, intoxicating
16 compound or compounds, or combination thereof under
17 Section 5-16 of the Boat Registration and Safety Act during
18 a period in which his or her privileges to operate a
19 watercraft are revoked or suspended and the revocation or
20 suspension was for operating a watercraft under the
21 influence of alcohol, other drug or drugs, intoxicating
22 compound or compounds, or combination thereof; (B) ~~(2)~~
23 operating a watercraft under the influence of alcohol,
24 other drug or drugs, intoxicating compound or compounds, or
25 combination thereof and has been previously convicted of
26 reckless homicide or a similar provision of a law in

1 another state relating to reckless homicide in which the
2 person was determined to have been under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or combination thereof as an element of the
5 offense or the person has previously been convicted of
6 committing a violation of operating a watercraft under the
7 influence of alcohol, other drug or drugs, intoxicating
8 compound or compounds, or combination thereof and was
9 involved in an accident that resulted in death, great
10 bodily harm, or permanent disability or disfigurement to
11 another, when the violation was a proximate cause of the
12 death or injuries; or (C) ~~(3)~~ the person committed a
13 violation of operating a watercraft under the influence of
14 alcohol, other drug or drugs, intoxicating compound or
15 compounds, or combination thereof under Section 5-16 of the
16 Boat Registration and Safety Act or a similar provision for
17 the third or subsequent time~~+. or watercraft or watercraft~~

18 (b) In addition, any mobile or portable equipment used in
19 the commission of an act which is in violation of Section 7g of
20 the Metropolitan Water Reclamation District Act shall be
21 subject to seizure and forfeiture under the same procedures
22 provided in this Article for the seizure and forfeiture of
23 vessels or watercraft, vehicles, and aircraft, and any such
24 equipment shall be deemed a vessel or watercraft, vehicle, or
25 aircraft for purposes of this Article.

26 (c) In addition, when a person discharges a firearm at

1 another individual from a vehicle with the knowledge and
2 consent of the owner of the vehicle and with the intent to
3 cause death or great bodily harm to that individual and as a
4 result causes death or great bodily harm to that individual,
5 the vehicle shall be subject to seizure and forfeiture under
6 the same procedures provided in this Article for the seizure
7 and forfeiture of vehicles used in violations of clauses (1),
8 (2), (3), or (4) of subsection (a) of this Section.

9 (d) If the spouse of the owner of a vehicle seized for an
10 offense described in subsection (g) of Section 6-303 of the
11 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
12 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
13 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
14 Code makes a showing that the seized vehicle is the only source
15 of transportation and it is determined that the financial
16 hardship to the family as a result of the seizure outweighs the
17 benefit to the State from the seizure, the vehicle may be
18 forfeited to the spouse or family member and the title to the
19 vehicle shall be transferred to the spouse or family member who
20 is properly licensed and who requires the use of the vehicle
21 for employment or family transportation purposes. A written
22 declaration of forfeiture of a vehicle under this Section shall
23 be sufficient cause for the title to be transferred to the
24 spouse or family member. The provisions of this paragraph shall
25 apply only to one forfeiture per vehicle. If the vehicle is the
26 subject of a subsequent forfeiture proceeding by virtue of a

1 subsequent conviction of either spouse or the family member,
2 the spouse or family member to whom the vehicle was forfeited
3 under the first forfeiture proceeding may not utilize the
4 provisions of this paragraph in another forfeiture proceeding.
5 If the owner of the vehicle seized owns more than one vehicle,
6 the procedure set out in this paragraph may be used for only
7 one vehicle.

8 (e) In addition, property declared contraband under
9 Section 40 of the Illinois Streetgang Terrorism Omnibus
10 Prevention Act may be seized and forfeited under this Article.

11 (Source: P.A. 97-333, eff. 8-12-11; 97-1109, eff. 1-1-13;
12 97-1150, eff. 1-25-13; 98-699, eff. 1-1-15; 98-1020, eff.
13 8-22-14; revised 9-30-14.)

14 (720 ILCS 5/36-2) (from Ch. 38, par. 36-2)

15 Sec. 36-2. Action for forfeiture.

16 (a) The State's Attorney in the county in which such
17 seizure occurs if he or she finds that the forfeiture was
18 incurred without willful negligence or without any intention on
19 the part of the owner of the vessel or watercraft, vehicle or
20 aircraft or any person whose right, title or interest is of
21 record as described in Section 36-1, to violate the law, or
22 finds the existence of such mitigating circumstances as to
23 justify remission of the forfeiture, may cause the law
24 enforcement agency to remit the same upon such terms and
25 conditions as the State's Attorney deems reasonable and just.

1 The State's Attorney shall exercise his or her discretion under
2 the foregoing provision of this Section 36-2(a) prior to or
3 promptly after the preliminary review under Section 36-1.5.

4 (b) If the State's Attorney does not cause the forfeiture
5 to be remitted he or she shall forthwith bring an action for
6 forfeiture in the Circuit Court within whose jurisdiction the
7 seizure and confiscation has taken place. The State's Attorney
8 shall give notice of seizure and the forfeiture proceeding to
9 each person according to the following method: upon each person
10 whose right, title, or interest is of record in the office of
11 the Secretary of State, the Secretary of Transportation, the
12 Administrator of the Federal Aviation Agency, or any other
13 department of this State, or any other state of the United
14 States if the vessel or watercraft, vehicle, or aircraft is
15 required to be so registered, as the case may be, by delivering
16 the notice and complaint in open court or by certified mail to
17 the address as given upon the records of the Secretary of
18 State, the Division of Aeronautics of the Department of
19 Transportation, the Capital Development Board, or any other
20 department of this State or the United States if the vessel or
21 watercraft, vehicle, or aircraft is required to be so
22 registered.

23 (c) The owner of the seized vessel or watercraft, vehicle,
24 or aircraft or any person whose right, title, or interest is of
25 record as described in Section 36-1, may within 20 days after
26 delivery in open court or the mailing of such notice file a

1 verified answer to the Complaint and may appear at the hearing
2 on the action for forfeiture.

3 (d) The State shall show at such hearing by a preponderance
4 of the evidence, that such vessel or watercraft, vehicle, or
5 aircraft was used in the commission of an offense described in
6 Section 36-1.

7 (e) The owner of such vessel or watercraft, vehicle, or
8 aircraft or any person whose right, title, or interest is of
9 record as described in Section 36-1, may show by a
10 preponderance of the evidence that he did not know, and did not
11 have reason to know, that the vessel or watercraft, vehicle, or
12 aircraft was to be used in the commission of such an offense or
13 that any of the exceptions set forth in Section 36-3 are
14 applicable.

15 (f) Unless the State shall make such showing, the Court
16 shall order such vessel or watercraft, vehicle, or aircraft
17 released to the owner. Where the State has made such showing,
18 the Court may order the vessel or watercraft, vehicle, or
19 aircraft destroyed or may order it forfeited to any local,
20 municipal or county law enforcement agency, or the Department
21 of State Police or the Department of Revenue of the State of
22 Illinois.

23 (g) A copy of the order shall be filed with the law
24 enforcement agency, and with each Federal or State office or
25 agency with which such vessel or watercraft, vehicle, or
26 aircraft is required to be registered. Such order, when filed,

1 constitutes authority for the issuance of clear title to such
2 vessel or watercraft, vehicle, or aircraft, to the department
3 or agency to whom it is delivered or any purchaser thereof. The
4 law enforcement agency shall comply promptly with instructions
5 to remit received from the State's Attorney or Attorney General
6 in accordance with Sections 36-2(a) or 36-3.

7 (h) The proceeds of any sale at public auction pursuant to
8 Section 36-2 of this Act, after payment of all liens and
9 deduction of the reasonable charges and expenses incurred by
10 the State's Attorney's Office shall be paid to the law
11 enforcement agency having seized the vehicle for forfeiture.

12 (Source: P.A. 98-699, eff. 1-1-15; 98-1020, eff. 8-22-14;
13 revised 10-1-14.)

14 Section 490. The Cannabis Control Act is amended by
15 changing Section 15.2 as follows:

16 (720 ILCS 550/15.2)

17 Sec. 15.2. Industrial hemp pilot program.

18 (a) Pursuant to Section 7606 of the federal Agricultural
19 Act of 2014, an institution of higher education or the
20 Department of Agriculture may grow or cultivate industrial hemp
21 if:

22 (1) the industrial hemp is grown or cultivated for
23 purposes of research conducted under an agricultural pilot
24 program or other agricultural or academic research;

1 (2) the pilot program studies the growth, cultivation,
2 or marketing of industrial hemp; and

3 (3) any site used for the growing or cultivating of
4 industrial hemp is certified by, and registered with, the
5 Department of Agriculture.

6 (b) Before conducting industrial hemp research, an
7 institution of higher education shall notify the Department of
8 Agriculture and any local law enforcement agency in writing.

9 (c) The institution of higher education shall provide
10 quarterly reports and an annual report to the Department of
11 Agriculture on the research and the research program shall be
12 subject to random inspection by the Department of Agriculture,
13 the Department of State Police, or local law enforcement
14 agencies. The institution of higher education shall submit the
15 annual report to the Department of Agriculture on or before
16 October 1.

17 (d) The Department of Agriculture may adopt rules to
18 implement this Section. In order to provide for the expeditious
19 and timely implementation of this Section, upon notification by
20 an institution of higher education that the institution wishes
21 to engage in the growth or cultivation of industrial hemp for
22 agricultural research purposes, the Department of Agriculture
23 may adopt emergency rules under Section 5-45 of the Illinois
24 Administrative Procedure Act to implement the provisions of
25 this Section. If changes to the rules are required to comply
26 with federal rules, the Department of Agriculture may adopt

1 peremptory rules as necessary to comply with changes to
2 corresponding federal rules. All other rules that the
3 Department of Agriculture deems necessary to adopt in
4 connection with this Section must proceed through the ordinary
5 rule-making process. The adoption of emergency rules
6 authorized by this Section shall be deemed to be necessary for
7 the public interest, safety, and welfare.

8 The Department of Agriculture may determine, by rule, the
9 duration of an institution of higher education's pilot program
10 or industrial hemp research. If the institution of higher
11 education has not completed its program within the timeframe
12 established by rule, then the Department of Agriculture may
13 grant an extension to the pilot program if unanticipated
14 circumstances arose that impacted the program.

15 (e) As used in this Section:

16 "Industrial hemp" means cannabis sativa L. having no more
17 than 0.3% total THC available, upon heating, or maximum delta-9
18 tetrahydrocannabinol content possible.

19 "Institution of higher education" means a State
20 institution of higher education that offers a 4-year degree in
21 agricultural science.

22 (Source: P.A. 98-1072, eff. 1-1-15; revised 12-10-14.)

23 Section 495. The Illinois Controlled Substances Act is
24 amended by changing Sections 102 and 312 as follows:

1 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

2 Sec. 102. Definitions. As used in this Act, unless the
3 context otherwise requires:

4 (a) "Addict" means any person who habitually uses any drug,
5 chemical, substance or dangerous drug other than alcohol so as
6 to endanger the public morals, health, safety or welfare or who
7 is so far addicted to the use of a dangerous drug or controlled
8 substance other than alcohol as to have lost the power of self
9 control with reference to his or her addiction.

10 (b) "Administer" means the direct application of a
11 controlled substance, whether by injection, inhalation,
12 ingestion, or any other means, to the body of a patient,
13 research subject, or animal (as defined by the Humane
14 Euthanasia in Animal Shelters Act) by:

15 (1) a practitioner (or, in his or her presence, by his
16 or her authorized agent),

17 (2) the patient or research subject pursuant to an
18 order, or

19 (3) a euthanasia technician as defined by the Humane
20 Euthanasia in Animal Shelters Act.

21 (c) "Agent" means an authorized person who acts on behalf
22 of or at the direction of a manufacturer, distributor,
23 dispenser, prescriber, or practitioner. It does not include a
24 common or contract carrier, public warehouseman or employee of
25 the carrier or warehouseman.

26 (c-1) "Anabolic Steroids" means any drug or hormonal

1 substance, chemically and pharmacologically related to
2 testosterone (other than estrogens, progestins,
3 corticosteroids, and dehydroepiandrosterone), and includes:

4 (i) 3[beta] ,17-dihydroxy-5a-androstane,

5 (ii) 3[alpha] ,17[beta] -dihydroxy-5a-androstane,

6 (iii) 5[alpha] -androstan-3,17-dione,

7 (iv) 1-androstenediol (3[beta] ,

8 17[beta] -dihydroxy-5[alpha] -androst-1-ene),

9 (v) 1-androstenediol (3[alpha] ,

10 17[beta] -dihydroxy-5[alpha] -androst-1-ene),

11 (vi) 4-androstenediol

12 (3[beta] ,17[beta] -dihydroxy-androst-4-ene),

13 (vii) 5-androstenediol

14 (3[beta] ,17[beta] -dihydroxy-androst-5-ene),

15 (viii) 1-androstenedione

16 ([5alpha] -androst-1-en-3,17-dione),

17 (ix) 4-androstenedione

18 (androst-4-en-3,17-dione),

19 (x) 5-androstenedione

20 (androst-5-en-3,17-dione),

21 (xi) bolasterone (7[alpha] ,17a-dimethyl-17[beta] -

22 hydroxyandrost-4-en-3-one),

23 (xii) boldenone (17[beta] -hydroxyandrost-

24 1,4,-diene-3-one),

25 (xiii) boldione (androsta-1,4-

26 diene-3,17-dione),

- 1 (xiv) calusterone (7[beta] ,17[alpha] -dimethyl-17
2 [beta] -hydroxyandrost-4-en-3-one) ,
3 (xv) clostebol (4-chloro-17[beta] -
4 hydroxyandrost-4-en-3-one) ,
5 (xvi) dehydrochloromethyltestosterone (4-chloro-
6 17[beta] -hydroxy-17[alpha] -methyl-
7 androst-1,4-dien-3-one) ,
8 (xvii) desoxymethyltestosterone
9 (17[alpha] -methyl-5[alpha]
10 -androst-2-en-17[beta] -ol) (a.k.a. , madol) ,
11 (xviii) [delta] 1-dihydrotestosterone (a.k.a.
12 '1-testosterone') (17[beta] -hydroxy-
13 5[alpha] -androst-1-en-3-one) ,
14 (xix) 4-dihydrotestosterone (17[beta] -hydroxy-
15 androstan-3-one) ,
16 (xx) drostanolone (17[beta] -hydroxy-2[alpha] -methyl-
17 5[alpha] -androstan-3-one) ,
18 (xxi) ethylestrenol (17[alpha] -ethyl-17[beta] -
19 hydroxyestr-4-ene) ,
20 (xxii) fluoxymesterone (9-fluoro-17[alpha] -methyl-
21 1[beta] ,17[beta] -dihydroxyandrost-4-en-3-one) ,
22 (xxiii) formebolone (2-formyl-17[alpha] -methyl-11[alpha] ,
23 17[beta] -dihydroxyandrost-1,4-dien-3-one) ,
24 (xxiv) furazabol (17[alpha] -methyl-17[beta] -
25 hydroxyandrostanol[2,3-c] -furan) ,
26 (xxv) 13[beta] -ethyl-17[beta] -hydroxygon-4-en-3-one)

- 1 (xxvi) 4-hydroxytestosterone (4,17[beta] -dihydroxy-
2 androst-4-en-3-one),
- 3 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta] -
4 dihydroxy-estr-4-en-3-one),
- 5 (xxviii) mestanolone (17[alpha] -methyl-17[beta] -
6 hydroxy-5-androstan-3-one),
- 7 (xxix) mesterolone (1-methyl-17[beta] -hydroxy-
8 [5a] -androstan-3-one),
- 9 (xxx) methandienone (17[alpha] -methyl-17[beta] -
10 hydroxyandrost-1,4-dien-3-one),
- 11 (xxxii) methandriol (17[alpha] -methyl-3[beta] ,17[beta] -
12 dihydroxyandrost-5-ene),
- 13 (xxxiii) methenolone (1-methyl-17[beta] -hydroxy-
14 5[alpha] -androst-1-en-3-one),
- 15 (xxxiiii) 17[alpha] -methyl-3[beta] , 17[beta] -
16 dihydroxy-5a-androstane),
- 17 (xxxv) 17[alpha] -methyl-3[alpha] ,17[beta] -dihydroxy
18 -5a-androstane),
- 19 (xxxvi) 17[alpha] -methyl-3[beta] ,17[beta] -
20 dihydroxyandrost-4-ene),
- 21 (xxxvii) 17[alpha] -methyl-4-hydroxynandrolone (17[alpha] -
22 methyl-4-hydroxy-17[beta] -hydroxyestr-4-en-3-one),
- 23 (xxxviii) methyldienolone (17[alpha] -methyl-17[beta] -
24 hydroxyestra-4,9(10)-dien-3-one),
- 25 (xxxix) methyltrienolone (17[alpha] -methyl-17[beta] -
26 hydroxyestra-4,9-11-trien-3-one),

- 1 (xxxix) methyltestosterone (17[alpha] -methyl-17[beta] -
2 hydroxyandrost-4-en-3-one),
3 (xl) mibolerone (7[alpha] , 17a-dimethyl-17[beta] -
4 hydroxyestr-4-en-3-one),
5 (xli) 17[alpha] -methyl-[delta] 1-dihydrotestosterone
6 (17b[beta] -hydroxy-17[alpha] -methyl-5[alpha] -
7 androst-1-en-3-one) (a.k.a. '17-[alpha] -methyl-
8 1-testosterone'),
9 (xlii) nandrolone (17[beta] -hydroxyestr-4-en-3-one),
10 (xliii) 19-nor-4-androstenediol (3[beta] , 17[beta] -
11 dihydroxyestr-4-ene),
12 (xliv) 19-nor-4-androstenediol (3[alpha] , 17[beta] -
13 dihydroxyestr-4-ene),
14 (xlv) 19-nor-5-androstenediol (3[beta] , 17[beta] -
15 dihydroxyestr-5-ene),
16 (xlvi) 19-nor-5-androstenediol (3[alpha] , 17[beta] -
17 dihydroxyestr-5-ene),
18 (xlvii) 19-nor-4,9(10)-androstadienedione
19 (estra-4,9(10)-diene-3,17-dione),
20 (xlviii) 19-nor-4-androstenedione (estr-4-
21 en-3,17-dione),
22 (xlix) 19-nor-5-androstenedione (estr-5-
23 en-3,17-dione),
24 (l) norbolethone (13[beta] , 17a-diethyl-17[beta] -
25 hydroxygon-4-en-3-one),
26 (li) norclostebol (4-chloro-17[beta] -

- 1 hydroxyestr-4-en-3-one),
2 (l ii) norethandrolone (17[alpha] -ethyl-17[beta] -
3 hydroxyestr-4-en-3-one),
4 (l iii) normethandrolone (17[alpha] -methyl-17[beta] -
5 hydroxyestr-4-en-3-one),
6 (l iv) oxandrolone (17[alpha] -methyl-17[beta] -hydroxy-
7 2-oxa-5[alpha] -androstan-3-one),
8 (l v) oxymesterone (17[alpha] -methyl-4,17[beta] -
9 dihydroxyandrost-4-en-3-one),
10 (l vi) oxymetholone (17[alpha] -methyl-2-hydroxymethylene-
11 17[beta] -hydroxy-(5[alpha] -androstan-3-one),
12 (l vii) stanozolol (17[alpha] -methyl-17[beta] -hydroxy-
13 (5[alpha] -androst-2-eno[3,2-c] -pyrazole),
14 (l viii) stenbolone (17[beta] -hydroxy-2-methyl-
15 (5[alpha] -androst-1-en-3-one),
16 (l ix) testolactone (13-hydroxy-3-oxo-13,17-
17 secoandrosta-1,4-dien-17-oic
18 acid lactone),
19 (l x) testosterone (17[beta] -hydroxyandrost-
20 4-en-3-one),
21 (l xi) tetrahydrogestrinone (13[beta] , 17[alpha] -
22 diethyl-17[beta] -hydroxygon-
23 4,9,11-trien-3-one),
24 (l xii) trenbolone (17[beta] -hydroxyestr-4,9,
25 11-trien-3-one).

26 Any person who is otherwise lawfully in possession of an

1 anabolic steroid, or who otherwise lawfully manufactures,
2 distributes, dispenses, delivers, or possesses with intent to
3 deliver an anabolic steroid, which anabolic steroid is
4 expressly intended for and lawfully allowed to be administered
5 through implants to livestock or other nonhuman species, and
6 which is approved by the Secretary of Health and Human Services
7 for such administration, and which the person intends to
8 administer or have administered through such implants, shall
9 not be considered to be in unauthorized possession or to
10 unlawfully manufacture, distribute, dispense, deliver, or
11 possess with intent to deliver such anabolic steroid for
12 purposes of this Act.

13 (d) "Administration" means the Drug Enforcement
14 Administration, United States Department of Justice, or its
15 successor agency.

16 (d-5) "Clinical Director, Prescription Monitoring Program"
17 means a Department of Human Services administrative employee
18 licensed to either prescribe or dispense controlled substances
19 who shall run the clinical aspects of the Department of Human
20 Services Prescription Monitoring Program and its Prescription
21 Information Library.

22 (d-10) "Compounding" means the preparation and mixing of
23 components, excluding flavorings, (1) as the result of a
24 prescriber's prescription drug order or initiative based on the
25 prescriber-patient-pharmacist relationship in the course of
26 professional practice or (2) for the purpose of, or incident

1 to, research, teaching, or chemical analysis and not for sale
2 or dispensing. "Compounding" includes the preparation of drugs
3 or devices in anticipation of receiving prescription drug
4 orders based on routine, regularly observed dispensing
5 patterns. Commercially available products may be compounded
6 for dispensing to individual patients only if both of the
7 following conditions are met: (i) the commercial product is not
8 reasonably available from normal distribution channels in a
9 timely manner to meet the patient's needs and (ii) the
10 prescribing practitioner has requested that the drug be
11 compounded.

12 (e) "Control" means to add a drug or other substance, or
13 immediate precursor, to a Schedule whether by transfer from
14 another Schedule or otherwise.

15 (f) "Controlled Substance" means (i) a drug, substance, or
16 immediate precursor in the Schedules of Article II of this Act
17 or (ii) a drug or other substance, or immediate precursor,
18 designated as a controlled substance by the Department through
19 administrative rule. The term does not include distilled
20 spirits, wine, malt beverages, or tobacco, as those terms are
21 defined or used in the Liquor Control Act of 1934 and the
22 Tobacco Products Tax Act of 1995.

23 (f-5) "Controlled substance analog" means a substance:

24 (1) the chemical structure of which is substantially
25 similar to the chemical structure of a controlled substance
26 in Schedule I or II;

1 (2) which has a stimulant, depressant, or
2 hallucinogenic effect on the central nervous system that is
3 substantially similar to or greater than the stimulant,
4 depressant, or hallucinogenic effect on the central
5 nervous system of a controlled substance in Schedule I or
6 II; or

7 (3) with respect to a particular person, which such
8 person represents or intends to have a stimulant,
9 depressant, or hallucinogenic effect on the central
10 nervous system that is substantially similar to or greater
11 than the stimulant, depressant, or hallucinogenic effect
12 on the central nervous system of a controlled substance in
13 Schedule I or II.

14 (g) "Counterfeit substance" means a controlled substance,
15 which, or the container or labeling of which, without
16 authorization bears the trademark, trade name, or other
17 identifying mark, imprint, number or device, or any likeness
18 thereof, of a manufacturer, distributor, or dispenser other
19 than the person who in fact manufactured, distributed, or
20 dispensed the substance.

21 (h) "Deliver" or "delivery" means the actual, constructive
22 or attempted transfer of possession of a controlled substance,
23 with or without consideration, whether or not there is an
24 agency relationship.

25 (i) "Department" means the Illinois Department of Human
26 Services (as successor to the Department of Alcoholism and

1 Substance Abuse) or its successor agency.

2 (j) (Blank).

3 (k) "Department of Corrections" means the Department of
4 Corrections of the State of Illinois or its successor agency.

5 (l) "Department of Financial and Professional Regulation"
6 means the Department of Financial and Professional Regulation
7 of the State of Illinois or its successor agency.

8 (m) "Depressant" means any drug that (i) causes an overall
9 depression of central nervous system functions, (ii) causes
10 impaired consciousness and awareness, and (iii) can be
11 habit-forming or lead to a substance abuse problem, including
12 but not limited to alcohol, cannabis and its active principles
13 and their analogs, benzodiazepines and their analogs,
14 barbiturates and their analogs, opioids (natural and
15 synthetic) and their analogs, and chloral hydrate and similar
16 sedative hypnotics.

17 (n) (Blank).

18 (o) "Director" means the Director of the Illinois State
19 Police or his or her designated agents.

20 (p) "Dispense" means to deliver a controlled substance to
21 an ultimate user or research subject by or pursuant to the
22 lawful order of a prescriber, including the prescribing,
23 administering, packaging, labeling, or compounding necessary
24 to prepare the substance for that delivery.

25 (q) "Dispenser" means a practitioner who dispenses.

26 (r) "Distribute" means to deliver, other than by

1 administering or dispensing, a controlled substance.

2 (s) "Distributor" means a person who distributes.

3 (t) "Drug" means (1) substances recognized as drugs in the
4 official United States Pharmacopoeia, Official Homeopathic
5 Pharmacopoeia of the United States, or official National
6 Formulary, or any supplement to any of them; (2) substances
7 intended for use in diagnosis, cure, mitigation, treatment, or
8 prevention of disease in man or animals; (3) substances (other
9 than food) intended to affect the structure of any function of
10 the body of man or animals and (4) substances intended for use
11 as a component of any article specified in clause (1), (2), or
12 (3) of this subsection. It does not include devices or their
13 components, parts, or accessories.

14 (t-5) "Euthanasia agency" means an entity certified by the
15 Department of Financial and Professional Regulation for the
16 purpose of animal euthanasia that holds an animal control
17 facility license or animal shelter license under the Animal
18 Welfare Act. A euthanasia agency is authorized to purchase,
19 store, possess, and utilize Schedule II nonnarcotic and
20 Schedule III nonnarcotic drugs for the sole purpose of animal
21 euthanasia.

22 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
23 substances (nonnarcotic controlled substances) that are used
24 by a euthanasia agency for the purpose of animal euthanasia.

25 (u) "Good faith" means the prescribing or dispensing of a
26 controlled substance by a practitioner in the regular course of

1 professional treatment to or for any person who is under his or
2 her treatment for a pathology or condition other than that
3 individual's physical or psychological dependence upon or
4 addiction to a controlled substance, except as provided herein:
5 and application of the term to a pharmacist shall mean the
6 dispensing of a controlled substance pursuant to the
7 prescriber's order which in the professional judgment of the
8 pharmacist is lawful. The pharmacist shall be guided by
9 accepted professional standards including, but not limited to
10 the following, in making the judgment:

11 (1) lack of consistency of prescriber-patient
12 relationship,

13 (2) frequency of prescriptions for same drug by one
14 prescriber for large numbers of patients,

15 (3) quantities beyond those normally prescribed,

16 (4) unusual dosages (recognizing that there may be
17 clinical circumstances where more or less than the usual
18 dose may be used legitimately),

19 (5) unusual geographic distances between patient,
20 pharmacist and prescriber,

21 (6) consistent prescribing of habit-forming drugs.

22 (u-0.5) "Hallucinogen" means a drug that causes markedly
23 altered sensory perception leading to hallucinations of any
24 type.

25 (u-1) "Home infusion services" means services provided by a
26 pharmacy in compounding solutions for direct administration to

1 a patient in a private residence, long-term care facility, or
2 hospice setting by means of parenteral, intravenous,
3 intramuscular, subcutaneous, or intraspinal infusion.

4 (u-5) "Illinois State Police" means the State Police of the
5 State of Illinois, or its successor agency.

6 (v) "Immediate precursor" means a substance:

7 (1) which the Department has found to be and by rule
8 designated as being a principal compound used, or produced
9 primarily for use, in the manufacture of a controlled
10 substance;

11 (2) which is an immediate chemical intermediary used or
12 likely to be used in the manufacture of such controlled
13 substance; and

14 (3) the control of which is necessary to prevent,
15 curtail or limit the manufacture of such controlled
16 substance.

17 (w) "Instructional activities" means the acts of teaching,
18 educating or instructing by practitioners using controlled
19 substances within educational facilities approved by the State
20 Board of Education or its successor agency.

21 (x) "Local authorities" means a duly organized State,
22 County or Municipal peace unit or police force.

23 (y) "Look-alike substance" means a substance, other than a
24 controlled substance which (1) by overall dosage unit
25 appearance, including shape, color, size, markings or lack
26 thereof, taste, consistency, or any other identifying physical

1 characteristic of the substance, would lead a reasonable person
2 to believe that the substance is a controlled substance, or (2)
3 is expressly or impliedly represented to be a controlled
4 substance or is distributed under circumstances which would
5 lead a reasonable person to believe that the substance is a
6 controlled substance. For the purpose of determining whether
7 the representations made or the circumstances of the
8 distribution would lead a reasonable person to believe the
9 substance to be a controlled substance under this clause (2) of
10 subsection (y), the court or other authority may consider the
11 following factors in addition to any other factor that may be
12 relevant:

13 (a) statements made by the owner or person in control
14 of the substance concerning its nature, use or effect;

15 (b) statements made to the buyer or recipient that the
16 substance may be resold for profit;

17 (c) whether the substance is packaged in a manner
18 normally used for the illegal distribution of controlled
19 substances;

20 (d) whether the distribution or attempted distribution
21 included an exchange of or demand for money or other
22 property as consideration, and whether the amount of the
23 consideration was substantially greater than the
24 reasonable retail market value of the substance.

25 Clause (1) of this subsection (y) shall not apply to a
26 noncontrolled substance in its finished dosage form that was

1 initially introduced into commerce prior to the initial
2 introduction into commerce of a controlled substance in its
3 finished dosage form which it may substantially resemble.

4 Nothing in this subsection (y) prohibits the dispensing or
5 distributing of noncontrolled substances by persons authorized
6 to dispense and distribute controlled substances under this
7 Act, provided that such action would be deemed to be carried
8 out in good faith under subsection (u) if the substances
9 involved were controlled substances.

10 Nothing in this subsection (y) or in this Act prohibits the
11 manufacture, preparation, propagation, compounding,
12 processing, packaging, advertising or distribution of a drug or
13 drugs by any person registered pursuant to Section 510 of the
14 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

15 (y-1) "Mail-order pharmacy" means a pharmacy that is
16 located in a state of the United States that delivers,
17 dispenses or distributes, through the United States Postal
18 Service or other common carrier, to Illinois residents, any
19 substance which requires a prescription.

20 (z) "Manufacture" means the production, preparation,
21 propagation, compounding, conversion or processing of a
22 controlled substance other than methamphetamine, either
23 directly or indirectly, by extraction from substances of
24 natural origin, or independently by means of chemical
25 synthesis, or by a combination of extraction and chemical
26 synthesis, and includes any packaging or repackaging of the

1 substance or labeling of its container, except that this term
2 does not include:

3 (1) by an ultimate user, the preparation or compounding
4 of a controlled substance for his or her own use; or

5 (2) by a practitioner, or his or her authorized agent
6 under his or her supervision, the preparation,
7 compounding, packaging, or labeling of a controlled
8 substance:

9 (a) as an incident to his or her administering or
10 dispensing of a controlled substance in the course of
11 his or her professional practice; or

12 (b) as an incident to lawful research, teaching or
13 chemical analysis and not for sale.

14 (z-1) (Blank).

15 (z-5) "Medication shopping" means the conduct prohibited
16 under subsection (a) of Section 314.5 of this Act.

17 (z-10) "Mid-level practitioner" means (i) a physician
18 assistant who has been delegated authority to prescribe through
19 a written delegation of authority by a physician licensed to
20 practice medicine in all of its branches, in accordance with
21 Section 7.5 of the Physician Assistant Practice Act of 1987,
22 (ii) an advanced practice nurse who has been delegated
23 authority to prescribe through a written delegation of
24 authority by a physician licensed to practice medicine in all
25 of its branches or by a podiatric physician, in accordance with
26 Section 65-40 of the Nurse Practice Act, (iii) an animal

1 euthanasia agency, or (iv) a prescribing psychologist.

2 (aa) "Narcotic drug" means any of the following, whether
3 produced directly or indirectly by extraction from substances
4 of vegetable origin, or independently by means of chemical
5 synthesis, or by a combination of extraction and chemical
6 synthesis:

7 (1) opium, opiates, derivatives of opium and opiates,
8 including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, whenever the existence of
10 such isomers, esters, ethers, and salts is possible within
11 the specific chemical designation; however the term
12 "narcotic drug" does not include the isoquinoline
13 alkaloids of opium;

14 (2) (blank);

15 (3) opium poppy and poppy straw;

16 (4) coca leaves, except coca leaves and extracts of
17 coca leaves from which substantially all of the cocaine and
18 ecgonine, and their isomers, derivatives and salts, have
19 been removed;

20 (5) cocaine, its salts, optical and geometric isomers,
21 and salts of isomers;

22 (6) ecgonine, its derivatives, their salts, isomers,
23 and salts of isomers;

24 (7) any compound, mixture, or preparation which
25 contains any quantity of any of the substances referred to
26 in subparagraphs (1) through (6).

1 (bb) "Nurse" means a registered nurse licensed under the
2 Nurse Practice Act.

3 (cc) (Blank).

4 (dd) "Opiate" means any substance having an addiction
5 forming or addiction sustaining liability similar to morphine
6 or being capable of conversion into a drug having addiction
7 forming or addiction sustaining liability.

8 (ee) "Opium poppy" means the plant of the species *Papaver*
9 *somniferum* L., except its seeds.

10 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
11 solution or other liquid form of medication intended for
12 administration by mouth, but the term does not include a form
13 of medication intended for buccal, sublingual, or transmucosal
14 administration.

15 (ff) "Parole and Pardon Board" means the Parole and Pardon
16 Board of the State of Illinois or its successor agency.

17 (gg) "Person" means any individual, corporation,
18 mail-order pharmacy, government or governmental subdivision or
19 agency, business trust, estate, trust, partnership or
20 association, or any other entity.

21 (hh) "Pharmacist" means any person who holds a license or
22 certificate of registration as a registered pharmacist, a local
23 registered pharmacist or a registered assistant pharmacist
24 under the Pharmacy Practice Act.

25 (ii) "Pharmacy" means any store, ship or other place in
26 which pharmacy is authorized to be practiced under the Pharmacy

1 Practice Act.

2 (ii-5) "Pharmacy shopping" means the conduct prohibited
3 under subsection (b) of Section 314.5 of this Act.

4 (ii-10) "Physician" (except when the context otherwise
5 requires) means a person licensed to practice medicine in all
6 of its branches.

7 (jj) "Poppy straw" means all parts, except the seeds, of
8 the opium poppy, after mowing.

9 (kk) "Practitioner" means a physician licensed to practice
10 medicine in all its branches, dentist, optometrist, podiatric
11 physician, veterinarian, scientific investigator, pharmacist,
12 physician assistant, advanced practice nurse, licensed
13 practical nurse, registered nurse, hospital, laboratory, or
14 pharmacy, or other person licensed, registered, or otherwise
15 lawfully permitted by the United States or this State to
16 distribute, dispense, conduct research with respect to,
17 administer or use in teaching or chemical analysis, a
18 controlled substance in the course of professional practice or
19 research.

20 (ll) "Pre-printed prescription" means a written
21 prescription upon which the designated drug has been indicated
22 prior to the time of issuance; the term does not mean a written
23 prescription that is individually generated by machine or
24 computer in the prescriber's office.

25 (mm) "Prescriber" means a physician licensed to practice
26 medicine in all its branches, dentist, optometrist,

1 prescribing psychologist licensed under Section 4.2 of the
2 Clinical Psychologist Licensing Act with prescriptive
3 authority delegated under Section 4.3 of the Clinical
4 Psychologist Licensing Act, podiatric physician, or
5 veterinarian who issues a prescription, a physician assistant
6 who issues a prescription for a controlled substance in
7 accordance with Section 303.05, a written delegation, and a
8 written supervision agreement required under Section 7.5 of the
9 Physician Assistant Practice Act of 1987, or an advanced
10 practice nurse with prescriptive authority delegated under
11 Section 65-40 of the Nurse Practice Act and in accordance with
12 Section 303.05, a written delegation, and a written
13 collaborative agreement under Section 65-35 of the Nurse
14 Practice Act.

15 (nn) "Prescription" means a written, facsimile, or oral
16 order, or an electronic order that complies with applicable
17 federal requirements, of a physician licensed to practice
18 medicine in all its branches, dentist, podiatric physician or
19 veterinarian for any controlled substance, of an optometrist
20 for a Schedule II, III, IV, or V controlled substance in
21 accordance with Section 15.1 of the Illinois Optometric
22 Practice Act of 1987, of a prescribing psychologist licensed
23 under Section 4.2 of the Clinical Psychologist Licensing Act
24 with prescriptive authority delegated under Section 4.3 of the
25 Clinical Psychologist Licensing Act, of a physician assistant
26 for a controlled substance in accordance with Section 303.05, a

1 written delegation, and a written supervision agreement
2 required under Section 7.5 of the Physician Assistant Practice
3 Act of 1987, or of an advanced practice nurse with prescriptive
4 authority delegated under Section 65-40 of the Nurse Practice
5 Act who issues a prescription for a controlled substance in
6 accordance with Section 303.05, a written delegation, and a
7 written collaborative agreement under Section 65-35 of the
8 Nurse Practice Act when required by law.

9 (nn-5) "Prescription Information Library" (PIL) means an
10 electronic library that contains reported controlled substance
11 data.

12 (nn-10) "Prescription Monitoring Program" (PMP) means the
13 entity that collects, tracks, and stores reported data on
14 controlled substances and select drugs pursuant to Section 316.

15 (oo) "Production" or "produce" means manufacture,
16 planting, cultivating, growing, or harvesting of a controlled
17 substance other than methamphetamine.

18 (pp) "Registrant" means every person who is required to
19 register under Section 302 of this Act.

20 (qq) "Registry number" means the number assigned to each
21 person authorized to handle controlled substances under the
22 laws of the United States and of this State.

23 (qq-5) "Secretary" means, as the context requires, either
24 the Secretary of the Department or the Secretary of the
25 Department of Financial and Professional Regulation, and the
26 Secretary's designated agents.

1 (rr) "State" includes the State of Illinois and any state,
2 district, commonwealth, territory, insular possession thereof,
3 and any area subject to the legal authority of the United
4 States of America.

5 (rr-5) "Stimulant" means any drug that (i) causes an
6 overall excitation of central nervous system functions, (ii)
7 causes impaired consciousness and awareness, and (iii) can be
8 habit-forming or lead to a substance abuse problem, including
9 but not limited to amphetamines and their analogs,
10 methylphenidate and its analogs, cocaine, and phencyclidine
11 and its analogs.

12 (ss) "Ultimate user" means a person who lawfully possesses
13 a controlled substance for his or her own use or for the use of
14 a member of his or her household or for administering to an
15 animal owned by him or her or by a member of his or her
16 household.

17 (Source: P.A. 97-334, eff. 1-1-12; 98-214, eff. 8-9-13; 98-668,
18 eff. 6-25-14; 98-756, eff. 7-16-14; 98-1111, eff. 8-26-14;
19 revised 10-1-14.)

20 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

21 Sec. 312. Requirements for dispensing controlled
22 substances.

23 (a) A practitioner, in good faith, may dispense a Schedule
24 II controlled substance, which is a narcotic drug listed in
25 Section 206 of this Act; or which contains any quantity of

1 amphetamine or methamphetamine, their salts, optical isomers
2 or salts of optical isomers; phenmetrazine and its salts; or
3 pentazocine; and Schedule III, IV, or V controlled substances
4 to any person upon a written or electronic prescription of any
5 prescriber, dated and signed by the person prescribing (or
6 electronically validated in compliance with Section 311.5) on
7 the day when issued and bearing the name and address of the
8 patient for whom, or the owner of the animal for which the
9 controlled substance is dispensed, and the full name, address
10 and registry number under the laws of the United States
11 relating to controlled substances of the prescriber, if he or
12 she is required by those laws to be registered. If the
13 prescription is for an animal it shall state the species of
14 animal for which it is ordered. The practitioner filling the
15 prescription shall, unless otherwise permitted, write the date
16 of filling and his or her own signature on the face of the
17 written prescription or, alternatively, shall indicate such
18 filling using a unique identifier as defined in paragraph (v)
19 of Section 3 of the Pharmacy Practice Act. The written
20 prescription shall be retained on file by the practitioner who
21 filled it or pharmacy in which the prescription was filled for
22 a period of 2 years, so as to be readily accessible for
23 inspection or removal by any officer or employee engaged in the
24 enforcement of this Act. Whenever the practitioner's or
25 pharmacy's copy of any prescription is removed by an officer or
26 employee engaged in the enforcement of this Act, for the

1 purpose of investigation or as evidence, such officer or
2 employee shall give to the practitioner or pharmacy a receipt
3 in lieu thereof. If the specific prescription is machine or
4 computer generated and printed at the prescriber's office, the
5 date does not need to be handwritten. A prescription for a
6 Schedule II controlled substance shall not be issued for more
7 than a 30 day supply, except as provided in subsection (a-5),
8 and shall be valid for up to 90 days after the date of
9 issuance. A written prescription for Schedule III, IV or V
10 controlled substances shall not be filled or refilled more than
11 6 months after the date thereof or refilled more than 5 times
12 unless renewed, in writing, by the prescriber.

13 (a-5) Physicians may issue multiple prescriptions (3
14 sequential 30-day supplies) for the same Schedule II controlled
15 substance, authorizing up to a 90-day supply. Before
16 authorizing a 90-day supply of a Schedule II controlled
17 substance, the physician must meet both of the following
18 conditions:

19 (1) Each separate prescription must be issued for a
20 legitimate medical purpose by an individual physician
21 acting in the usual course of professional practice.

22 (2) The individual physician must provide written
23 instructions on each prescription (other than the first
24 prescription, if the prescribing physician intends for the
25 prescription to be filled immediately) indicating the
26 earliest date on which a pharmacy may fill that

1 prescription.

2 (b) In lieu of a written prescription required by this
3 Section, a pharmacist, in good faith, may dispense Schedule
4 III, IV, or V substances to any person either upon receiving a
5 facsimile of a written, signed prescription transmitted by the
6 prescriber or the prescriber's agent or upon a lawful oral
7 prescription of a prescriber which oral prescription shall be
8 reduced promptly to writing by the pharmacist and such written
9 memorandum thereof shall be dated on the day when such oral
10 prescription is received by the pharmacist and shall bear the
11 full name and address of the ultimate user for whom, or of the
12 owner of the animal for which the controlled substance is
13 dispensed, and the full name, address, and registry number
14 under the law of the United States relating to controlled
15 substances of the prescriber prescribing if he or she is
16 required by those laws to be so registered, and the pharmacist
17 filling such oral prescription shall write the date of filling
18 and his or her own signature on the face of such written
19 memorandum thereof. The facsimile copy of the prescription or
20 written memorandum of the oral prescription shall be retained
21 on file by the proprietor of the pharmacy in which it is filled
22 for a period of not less than two years, so as to be readily
23 accessible for inspection by any officer or employee engaged in
24 the enforcement of this Act in the same manner as a written
25 prescription. The facsimile copy of the prescription or oral
26 prescription and the written memorandum thereof shall not be

1 filled or refilled more than 6 months after the date thereof or
2 be refilled more than 5 times, unless renewed, in writing, by
3 the prescriber.

4 (c) Except for any non-prescription targeted
5 methamphetamine precursor regulated by the Methamphetamine
6 Precursor Control Act, a controlled substance included in
7 Schedule V shall not be distributed or dispensed other than for
8 a medical purpose and not for the purpose of evading this Act,
9 and then:

10 (1) only personally by a person registered to dispense
11 a Schedule V controlled substance and then only to his or
12 her patients, or

13 (2) only personally by a pharmacist, and then only to a
14 person over 21 years of age who has identified himself or
15 herself to the pharmacist by means of 2 positive documents
16 of identification.

17 (3) the dispenser shall record the name and address of
18 the purchaser, the name and quantity of the product, the
19 date and time of the sale, and the dispenser's signature.

20 (4) no person shall purchase or be dispensed more than
21 120 milliliters or more than 120 grams of any Schedule V
22 substance which contains codeine, dihydrocodeine, or any
23 salts thereof, or ethylmorphine, or any salts thereof, in
24 any 96 hour period. The purchaser shall sign a form,
25 approved by the Department of Financial and Professional
26 Regulation, attesting that he or she has not purchased any

1 Schedule V controlled substances within the immediately
2 preceding 96 hours.

3 (5) (Blank).

4 (6) all records of purchases and sales shall be
5 maintained for not less than 2 years.

6 (7) no person shall obtain or attempt to obtain within
7 any consecutive 96 hour period any Schedule V substances of
8 more than 120 milliliters or more than 120 grams containing
9 codeine, dihydrocodeine or any of its salts, or
10 ethylmorphine or any of its salts. Any person obtaining any
11 such preparations or combination of preparations in excess
12 of this limitation shall be in unlawful possession of such
13 controlled substance.

14 (8) a person qualified to dispense controlled
15 substances under this Act and registered thereunder shall
16 at no time maintain or keep in stock a quantity of Schedule
17 V controlled substances in excess of 4.5 liters for each
18 substance; a pharmacy shall at no time maintain or keep in
19 stock a quantity of Schedule V controlled substances as
20 defined in excess of 4.5 liters for each substance, plus
21 the additional quantity of controlled substances necessary
22 to fill the largest number of prescription orders filled by
23 that pharmacy for such controlled substances in any one
24 week in the previous year. These limitations shall not
25 apply to Schedule V controlled substances which Federal law
26 prohibits from being dispensed without a prescription.

1 (9) no person shall distribute or dispense butyl
2 nitrite for inhalation or other introduction into the human
3 body for euphoric or physical effect.

4 (d) Every practitioner shall keep a record or log of
5 controlled substances received by him or her and a record of
6 all such controlled substances administered, dispensed or
7 professionally used by him or her otherwise than by
8 prescription. It shall, however, be sufficient compliance with
9 this paragraph if any practitioner utilizing controlled
10 substances listed in Schedules III, IV and V shall keep a
11 record of all those substances dispensed and distributed by him
12 or her other than those controlled substances which are
13 administered by the direct application of a controlled
14 substance, whether by injection, inhalation, ingestion, or any
15 other means to the body of a patient or research subject. A
16 practitioner who dispenses, other than by administering, a
17 controlled substance in Schedule II, which is a narcotic drug
18 listed in Section 206 of this Act, or which contains any
19 quantity of amphetamine or methamphetamine, their salts,
20 optical isomers or salts of optical isomers, pentazocine, or
21 methaqualone shall do so only upon the issuance of a written
22 prescription blank or electronic prescription issued by a
23 prescriber.

24 (e) Whenever a manufacturer distributes a controlled
25 substance in a package prepared by him or her, and whenever a
26 wholesale distributor distributes a controlled substance in a

1 package prepared by him or her or the manufacturer, he or she
2 shall securely affix to each package in which that substance is
3 contained a label showing in legible English the name and
4 address of the manufacturer, the distributor and the quantity,
5 kind and form of controlled substance contained therein. No
6 person except a pharmacist and only for the purposes of filling
7 a prescription under this Act, shall alter, deface or remove
8 any label so affixed.

9 (f) Whenever a practitioner dispenses any controlled
10 substance except a non-prescription Schedule V product or a
11 non-prescription targeted methamphetamine precursor regulated
12 by the Methamphetamine Precursor Control Act, he or she shall
13 affix to the container in which such substance is sold or
14 dispensed, a label indicating the date of initial filling, the
15 practitioner's name and address, the name of the patient, the
16 name of the prescriber, the directions for use and cautionary
17 statements, if any, contained in any prescription or required
18 by law, the proprietary name or names or the established name
19 of the controlled substance, and the dosage and quantity,
20 except as otherwise authorized by regulation by the Department
21 of Financial and Professional Regulation. No person shall
22 alter, deface or remove any label so affixed as long as the
23 specific medication remains in the container.

24 (g) A person to whom or for whose use any controlled
25 substance has been prescribed or dispensed by a practitioner,
26 or other persons authorized under this Act, and the owner of

1 any animal for which such substance has been prescribed or
2 dispensed by a veterinarian, may lawfully possess such
3 substance only in the container in which it was delivered to
4 him or her by the person dispensing such substance.

5 (h) The responsibility for the proper prescribing or
6 dispensing of controlled substances that are under the
7 prescriber's direct control is upon the prescriber. The
8 responsibility for the proper filling of a prescription for
9 controlled substance drugs rests with the pharmacist. An order
10 purporting to be a prescription issued to any individual, which
11 is not in the regular course of professional treatment nor part
12 of an authorized methadone maintenance program, nor in
13 legitimate and authorized research instituted by any
14 accredited hospital, educational institution, charitable
15 foundation, or federal, state or local governmental agency, and
16 which is intended to provide that individual with controlled
17 substances sufficient to maintain that individual's or any
18 other individual's physical or psychological addiction,
19 habitual or customary use, dependence, or diversion of that
20 controlled substance is not a prescription within the meaning
21 and intent of this Act; and the person issuing it, shall be
22 subject to the penalties provided for violations of the law
23 relating to controlled substances.

24 (i) A prescriber shall not pre-print ~~preprint~~ or cause to
25 be pre-printed ~~preprinted~~ a prescription for any controlled
26 substance; nor shall any practitioner issue, fill or cause to

1 be issued or filled, a pre-printed ~~preprinted~~ prescription for
2 any controlled substance.

3 (i-5) A prescriber may use a machine or electronic device
4 to individually generate a printed prescription, but the
5 prescriber is still required to affix his or her manual
6 signature.

7 (j) No person shall manufacture, dispense, deliver,
8 possess with intent to deliver, prescribe, or administer or
9 cause to be administered under his or her direction any
10 anabolic steroid, for any use in humans other than the
11 treatment of disease in accordance with the order of a
12 physician licensed to practice medicine in all its branches for
13 a valid medical purpose in the course of professional practice.
14 The use of anabolic steroids for the purpose of hormonal
15 manipulation that is intended to increase muscle mass, strength
16 or weight without a medical necessity to do so, or for the
17 intended purpose of improving physical appearance or
18 performance in any form of exercise, sport, or game, is not a
19 valid medical purpose or in the course of professional
20 practice.

21 (k) Controlled substances may be mailed if all of the
22 following conditions are met:

23 (1) The controlled substances are not outwardly
24 dangerous and are not likely, of their own force, to cause
25 injury to a person's life or health.

26 (2) The inner container of a parcel containing

1 controlled substances must be marked and sealed as required
2 under this Act and its rules, and be placed in a plain
3 outer container or securely wrapped in plain paper.

4 (3) If the controlled substances consist of
5 prescription medicines, the inner container must be
6 labeled to show the name and address of the pharmacy or
7 practitioner dispensing the prescription.

8 (4) The outside wrapper or container must be free of
9 markings that would indicate the nature of the contents.

10 (Source: P.A. 96-166, eff. 1-1-10; 97-334, eff. 1-1-12; revised
11 12-10-14.)

12 Section 500. The Code of Criminal Procedure of 1963 is
13 amended by changing Sections 104-18, 108-4, 109-1, 109-1.1, and
14 122-2.2 as follows:

15 (725 ILCS 5/104-18) (from Ch. 38, par. 104-18)

16 Sec. 104-18. Progress Reports.

17 (a) The treatment supervisor shall submit a written
18 progress report to the court, the State, and the defense:

19 (1) At least 7 days prior to the date for any hearing
20 on the issue of the defendant's fitness;

21 (2) Whenever he believes that the defendant has
22 attained fitness;

23 (3) Whenever he believes that there is not a
24 substantial probability that the defendant will attain

1 fitness, with treatment, within the time period set in
2 subsection (e) of Section 104-17 of this Code from the date
3 of the original finding of unfitness.

4 (b) The progress report shall contain:

5 (1) The clinical findings of the treatment supervisor
6 and the facts upon which the findings are based;

7 (2) The opinion of the treatment supervisor as to
8 whether the defendant has attained fitness or as to whether
9 the defendant is making progress, under treatment, toward
10 attaining fitness within the time period set in subsection
11 (e) of Section 104-17 of this Code from the date of the
12 original finding of unfitness;

13 (3) If the defendant is receiving medication,
14 information from the prescribing physician indicating the
15 type, the dosage and the effect of the medication on the
16 defendant's appearance, actions and demeanor.

17 (c) Whenever the court is sent a report from the supervisor
18 of the defendant's treatment under paragraph (2) of subsection
19 (a) of this Section, the treatment provider shall arrange with
20 the court for the return of the defendant to the county jail
21 before the time frame specified in subsection (a) of Section
22 104-20 of this Code.

23 (Source: P.A. 97-1020, eff. 8-17-12; 98-944, eff. 8-15-14;
24 98-1025, eff. 8-22-14; revised 10-1-14.)

25 (725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

1 Sec. 108-4. Issuance of search warrant.

2 (a) All warrants upon written complaint shall state the
3 time and date of issuance and be the warrants of the judge
4 issuing the same and not the warrants of the court in which he
5 or she is then sitting and these warrants need not bear the
6 seal of the court or clerk thereof. The complaint on which the
7 warrant is issued need not be filed with the clerk of the court
8 nor with the court if there is no clerk until the warrant has
9 been executed or has been returned "not executed".

10 The search warrant upon written complaint may be issued
11 electronically or electromagnetically by use of electronic
12 mail or a facsimile transmission machine and this warrant shall
13 have the same validity as a written search warrant.

14 (b) Warrant upon oral testimony.

15 (1) General rule. When the offense in connection with
16 which a search warrant is sought constitutes terrorism or
17 any related offense as defined in Article 29D of the
18 Criminal Code of 2012, and if the circumstances make it
19 reasonable to dispense, in whole or in part, with a written
20 affidavit, a judge may issue a warrant based upon sworn
21 testimony communicated by telephone or other appropriate
22 means, including facsimile transmission.

23 (2) Application. The person who is requesting the
24 warrant shall prepare a document to be known as a duplicate
25 original warrant and shall read such duplicate original
26 warrant, verbatim, to the judge. The judge shall enter,

1 verbatim, what is so read to the judge on a document to be
2 known as the original warrant. The judge may direct that
3 the warrant be modified.

4 (3) Issuance. If the judge is satisfied that the
5 offense in connection with which the search warrant is
6 sought constitutes terrorism or any related offense as
7 defined in Article 29D of the Criminal Code of 2012, that
8 the circumstances are such as to make it reasonable to
9 dispense with a written affidavit, and that grounds for the
10 application exist or that there is probable cause to
11 believe that they exist, the judge shall order the issuance
12 of a warrant by directing the person requesting the warrant
13 to sign the judge's name on the duplicate original warrant.
14 The judge shall immediately sign the original warrant and
15 enter on the face of the original warrant the exact time
16 when the warrant was ordered to be issued. The finding of
17 probable cause for a warrant upon oral testimony may be
18 based on the same kind of evidence as is sufficient for a
19 warrant upon affidavit.

20 (4) Recording and certification of testimony. When a
21 caller informs the judge that the purpose of the call is to
22 request a warrant, the judge shall immediately place under
23 oath each person whose testimony forms a basis of the
24 application and each person applying for that warrant. If a
25 voice recording device is available, the judge shall record
26 by means of the device all of the call after the caller

1 informs the judge that the purpose of the call is to
2 request a warrant, otherwise a stenographic or longhand
3 verbatim record shall be made. If a voice recording device
4 is used or a stenographic record made, the judge shall have
5 the record transcribed, shall certify the accuracy of the
6 transcription, and shall file a copy of the original record
7 and the transcription with the court. If a longhand
8 verbatim record is made, the judge shall file a signed copy
9 with the court.

10 (5) Contents. The contents of a warrant upon oral
11 testimony shall be the same as the contents of a warrant
12 upon affidavit.

13 (6) Additional rule for execution. The person who
14 executes the warrant shall enter the exact time of
15 execution on the face of the duplicate original warrant.

16 (7) Motion to suppress based on failure to obtain a
17 written affidavit. Evidence obtained pursuant to a warrant
18 issued under this subsection (b) is not subject to a motion
19 to suppress on the ground that the circumstances were not
20 such as to make it reasonable to dispense with a written
21 affidavit, absent a finding of bad faith. All other grounds
22 to move to suppress are preserved.

23 (8) This subsection (b) is inoperative on and after
24 January 1, 2005.

25 (9) No evidence obtained pursuant to this subsection
26 (b) shall be inadmissible in a court of law by virtue of

1 subdivision (8).

2 (c) Warrant upon testimony by simultaneous video and audio
3 transmission.

4 (1) General rule. When a search warrant is sought and
5 the request is made by electronic means that has a
6 simultaneous video and audio transmission between the
7 requestor and a judge, the judge may issue a search warrant
8 based upon sworn testimony communicated in the
9 transmission.

10 (2) Application. The requestor shall prepare a
11 document to be known as a duplicate original warrant, and

12 (A) if circumstances allow, the requestor shall
13 transmit a copy of the warrant together with a
14 complaint for search warrant to the judge by facsimile,
15 email, or other reliable electronic means; or

16 (B) if circumstances make transmission under
17 subparagraph (A) of this paragraph (2) impracticable,
18 the requestor shall read the duplicate original
19 warrant, verbatim, to the judge after being placed
20 under oath as provided in paragraph (4) of this
21 subsection (c). The judge shall enter, verbatim, what
22 is so read to the judge on a document in the judge's
23 possession.

24 Under both subparagraphs (A) and (B), the document in
25 possession of the judge shall be known as the original
26 warrant. The judge may direct that the warrant be modified.

1 (3) Issuance. If the judge is satisfied that grounds
2 for the application exist or that there is probable cause
3 to believe that grounds exist, the judge shall order the
4 issuance of a warrant by directing the requestor to sign
5 the judge's name on the duplicate original warrant, place
6 the requestor's initials below the judge's name, and enter
7 on the face of the duplicate original warrant the exact
8 date and time when the warrant was ordered to be issued.
9 The judge shall immediately sign the original warrant and
10 enter on the face of the original warrant the exact date
11 and time when the warrant was ordered to be issued. The
12 finding of probable cause for a warrant under this
13 subsection (c) may be based on the same kind of evidence as
14 is sufficient for a warrant under subsection (a).

15 (4) Recording and certification of testimony. When a
16 requestor initiates a request for search warrant under this
17 subsection (c), and after the requestor informs the judge
18 that the purpose of the communication is to request a
19 warrant, the judge shall place under oath each person whose
20 testimony forms a basis of the application and each person
21 applying for that warrant. A record of the facts upon which
22 the judge based his or her decision to issue a warrant must
23 be made and filed with the court, together with the
24 original warrant.

25 (A) When the requestor has provided the judge with
26 a written complaint for search warrant under

1 subparagraph (A) of paragraph (2) of this subsection
2 (c) and the judge has sworn the complainant to the
3 facts contained in the complaint for search warrant but
4 has taken no other oral testimony from any person that
5 is essential to establishing probable cause, the judge
6 must acknowledge the attestation in writing on the
7 complaint and file this acknowledged complaint with
8 the court.

9 (B) When the requestor has not provided the judge
10 with a written complaint for search warrant, or when
11 the judge has taken oral testimony essential to
12 establishing probable cause not contained in the
13 written complaint for search warrant, the essential
14 facts in the oral testimony that form the basis of the
15 judge's decision to issue the warrant shall be included
16 in the record together with the written complaint, if
17 any. If a recording device is used or a stenographic
18 record is made, the judge shall have the record
19 transcribed, shall certify the accuracy of the
20 transcription, and shall file a copy of the original
21 record and the transcription with the court. If a
22 longhand record is made, the judge shall file a signed
23 copy with the court.

24 The material to be filed need not be filed until the
25 warrant has been executed or has been returned "not
26 executed".

1 (5) Contents. The contents of a warrant under this
2 subsection (c) shall be the same as the contents of a
3 warrant upon affidavit. A warrant under this subsection is
4 a warrant of the judge issuing the same and not the warrant
5 of the court in which he or she is then sitting and these
6 warrants need not bear the seal of the court or the clerk
7 of the court.

8 (6) Additional rule for execution. The person who
9 executes the warrant shall enter the exact time of
10 execution on the face of the duplicate original warrant.

11 (7) Motion to suppress based on failure to obtain a
12 written affidavit. Evidence obtained under a warrant
13 issued under this subsection (c) is not subject to a motion
14 to suppress on the ground that the circumstances were not
15 such as to make it reasonable to dispense with a written
16 affidavit, absent a finding of bad faith. All other grounds
17 to move to suppress are preserved.

18 (d) The Chief Judge of the circuit court or presiding judge
19 in the issuing jurisdiction shall, by local rule, create a
20 standard practice for the filing or other retention of
21 documents or recordings produced under this Section.

22 (Source: P.A. 97-1150, eff. 1-25-13; 98-829, eff. 8-1-14;
23 98-905, eff. 1-1-15; revised 10-1-14.)

24 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

25 Sec. 109-1. Person arrested.

1 (a) A person arrested with or without a warrant shall be
2 taken without unnecessary delay before the nearest and most
3 accessible judge in that county, except when such county is a
4 participant in a regional jail authority, in which event such
5 person may be taken to the nearest and most accessible judge,
6 irrespective of the county where such judge presides, and a
7 charge shall be filed. Whenever a person arrested either with
8 or without a warrant is required to be taken before a judge, a
9 charge may be filed against such person by way of a two-way
10 closed circuit television system, except that a hearing to deny
11 bail to the defendant may not be conducted by way of closed
12 circuit television.

13 (b) The judge shall:

14 (1) Inform the defendant of the charge against him and
15 shall provide him with a copy of the charge;

16 (2) Advise the defendant of his right to counsel and if
17 indigent shall appoint a public defender or licensed
18 attorney at law of this State to represent him in
19 accordance with the provisions of Section 113-3 of this
20 Code;

21 (3) Schedule a preliminary hearing in appropriate
22 cases;

23 (4) Admit the defendant to bail in accordance with the
24 provisions of Article 110 of this Code; and

25 (5) Order the confiscation of the person's passport or
26 impose travel restrictions on a defendant arrested for

1 first degree murder or other violent crime as defined in
2 Section 3 of the Rights of Crime Victims and Witnesses Act,
3 if the judge determines, based on the factors in Section
4 110-5 of this Code, that this will reasonably ensure ~~assure~~
5 the appearance of the defendant and compliance by the
6 defendant with all conditions of release.

7 (c) The court may issue an order of protection in
8 accordance with the provisions of Article 112A of this Code.

9 (Source: P.A. 97-813, eff. 7-13-12; 98-143, eff. 1-1-14;
10 revised 12-10-14.)

11 (725 ILCS 5/109-1.1) (from Ch. 38, par. 109-1.1)

12 Sec. 109-1.1. ~~(1)~~ Whenever a person arrested either with or
13 without a warrant is taken before a judge as provided for in
14 Sections 107-9(d)(6) and 109-1(a), the judge shall ask the
15 arrestee whether he or she has any children under 18 years old
16 living with him or her who may be neglected as a result of the
17 arrest, incarceration or otherwise. If the judge has reasonable
18 cause to believe that a child may be a neglected child as
19 defined in the Abused and Neglected Child ~~Care~~ Reporting Act,
20 he shall instruct a probation officer to report it immediately
21 to the Department of Children and Family Services as provided
22 in that Act.

23 (Source: P.A. 82-228; revised 12-10-14.)

24 (725 ILCS 5/122-2.2)

1 Sec. 122-2.2. Intellectual disability and post-conviction
2 relief.

3 (a) In cases where no determination of an intellectual
4 disability was made and a defendant has been convicted of
5 first-degree murder, sentenced to death, and is in custody
6 pending execution of the sentence of death, the following
7 procedures shall apply:

8 (1) Notwithstanding any other provision of law or rule
9 of court, a defendant may seek relief from the death
10 sentence through a petition for post-conviction relief
11 under this Article alleging that the defendant was
12 intellectually disabled as defined in Section 114-15 at the
13 time the offense was alleged to have been committed.

14 (2) The petition must be filed within 180 days of the
15 effective date of this amendatory Act of the 93rd General
16 Assembly or within 180 days of the issuance of the mandate
17 by the Illinois Supreme Court setting the date of
18 execution, whichever is later.

19 (b) ~~(3)~~ All other provisions of this Article governing
20 petitions for post-conviction relief shall apply to a petition
21 for post-conviction relief alleging an intellectual
22 disability.

23 (Source: P.A. 97-227, eff. 1-1-12; revised 12-10-14.)

24 Section 505. The State Appellate Defender Act is amended by
25 changing Section 10 as follows:

1 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

2 Sec. 10. Powers and duties of State Appellate Defender.

3 (a) The State Appellate Defender shall represent indigent
4 persons on appeal in criminal and delinquent minor proceedings,
5 when appointed to do so by a court under a Supreme Court Rule
6 or law of this State.

7 (b) The State Appellate Defender shall submit a budget for
8 the approval of the State Appellate Defender Commission.

9 (c) The State Appellate Defender may:

10 (1) maintain a panel of private attorneys available to
11 serve as counsel on a case basis;

12 (2) establish programs, alone or in conjunction with
13 law schools, for the purpose of utilizing volunteer law
14 students as legal assistants;

15 (3) cooperate and consult with state agencies,
16 professional associations, and other groups concerning the
17 causes of criminal conduct, the rehabilitation and
18 correction of persons charged with and convicted of crime,
19 the administration of criminal justice, and, in counties of
20 less than 1,000,000 population, study, design, develop and
21 implement model systems for the delivery of trial level
22 defender services, and make an annual report to the General
23 Assembly;

24 (4) hire investigators to provide investigative
25 services to appointed counsel and county public defenders;

1 (5) (blank); ~~(Blank.)~~

2 (5.5) provide training to county public defenders;

3 (5.7) provide county public defenders with the
4 assistance of expert witnesses and investigators from
5 funds appropriated to the State Appellate Defender
6 specifically for that purpose by the General Assembly. The
7 Office of the State Appellate Defender shall not be
8 appointed to act as trial counsel;

9 (6) develop a Juvenile Defender Resource Center to: (i)
10 study, design, develop, and implement model systems for the
11 delivery of trial level defender services for juveniles in
12 the justice system; (ii) in cases in which a sentence of
13 incarceration or an adult sentence, or both, is an
14 authorized disposition, provide trial counsel with legal
15 advice and the assistance of expert witnesses and
16 investigators from funds appropriated to the Office of the
17 State Appellate Defender by the General Assembly
18 specifically for that purpose; (iii) develop and provide
19 training to public defenders on juvenile justice issues,
20 utilizing resources including the State and local bar
21 associations, the Illinois Public Defender Association,
22 law schools, the Midwest Juvenile Defender Center, and pro
23 bono efforts by law firms; and (iv) make an annual report
24 to the General Assembly.

25 (d) ~~(Blank.)~~.

26 (e) The requirement for reporting to the General Assembly

1 shall be satisfied by filing copies of the report with the
2 Speaker, the Minority Leader and the Clerk of the House of
3 Representatives and the President, the Minority Leader and the
4 Secretary of the Senate and the Legislative Research Unit, as
5 required by Section 3.1 of the General Assembly Organization
6 Act and filing such additional copies with the State Government
7 Report Distribution Center for the General Assembly as is
8 required under paragraph (t) of Section 7 of the State Library
9 Act.

10 (Source: P.A. 96-1148, eff. 7-21-10; 97-1003, eff. 8-17-12;
11 revised 12-10-14.)

12 Section 510. The Gang Crime Witness Protection Act of 2013
13 is amended by changing Section 15 as follows:

14 (725 ILCS 173/15)

15 Sec. 15. Funding. The Illinois Criminal Justice
16 Information Authority, in consultation with the Attorney
17 General, shall adopt rules for the implementation of the Gang
18 Crime Witness Protection Program. Assistance shall be subject
19 to the following limitations:

20 (a) Funds shall be limited to payment of the following:

21 (1) temporary living costs;

22 (2) moving expenses;

23 (3) rent;

24 (4) security deposits; and

1 (5) other appropriate expenses of relocation or
2 transition;

3 (b) Approval of applications made by State's Attorneys
4 shall be conditioned upon county funding for costs at a
5 level of at least 25%, unless this requirement is waived by
6 the administrator, in accordance with adopted rules, for
7 good cause shown;

8 (c) Counties providing assistance consistent with the
9 limitations in this Act may apply for reimbursement of up
10 to 75% of their costs; ~~and~~

11 (d) No more than 50% of funding available in any given
12 fiscal year may be used for costs associated with any
13 single county; ~~and~~.

14 (e) Before the Illinois Criminal Justice Information
15 Authority distributes moneys from the Gang Crime Witness
16 Protection Program Fund as provided in this Section, it
17 shall retain 2% of those moneys for administrative
18 purposes.

19 (Source: P.A. 98-58, eff. 7-8-13; revised 12-10-14.)

20 Section 515. The Unified Code of Corrections is amended by
21 changing Sections 3-2.7-25, 3-2.7-50, 3-10-2, 5-6-1, 5-6-2,
22 and 5-6-3.1 as follows:

23 (730 ILCS 5/3-2.7-25)

24 Sec. 3-2.7-25. Duties and powers.

1 (a) The Independent Juvenile Ombudsman shall function
2 independently within the Department of Juvenile Justice with
3 respect to the operations of the Office in performance of his
4 or her duties under this Article and shall report to the
5 Governor. The Ombudsman shall adopt rules and standards as may
6 be necessary or desirable to carry out his or her duties.
7 Funding for the Office shall be designated separately within
8 Department funds. The Department shall provide necessary
9 administrative services and facilities to the Office of the
10 Independent Juvenile Ombudsman.

11 (b) The Office of Independent Juvenile Ombudsman shall have
12 the following duties:

13 (1) review and monitor the implementation of the rules
14 and standards established by the Department of Juvenile
15 Justice and evaluate the delivery of services to youth to
16 ensure that the rights of youth are fully observed;

17 (2) provide assistance to a youth or family whom ~~who~~
18 the Ombudsman determines is in need of assistance,
19 including advocating with an agency, provider, or other
20 person in the best interests of the youth;

21 (3) investigate and attempt to resolve complaints made
22 by or on behalf of youth, other than complaints alleging
23 criminal behavior or violations of the State Officials and
24 Employees ~~Employee~~ Ethics Act, if the Office determines
25 that the investigation and resolution would further the
26 purpose of the Office, and:

1 (A) a youth committed to the Department of Juvenile
2 Justice or the youth's family is in need of assistance
3 from the Office; or

4 (B) a systemic issue in the Department of Juvenile
5 Justice's provision of services is raised by a
6 complaint;

7 (4) review or inspect periodically the facilities and
8 procedures of any facility in which a youth has been placed
9 by the Department of Juvenile Justice to ensure that the
10 rights of youth are fully observed; and

11 (5) be accessible to and meet confidentially and
12 regularly with youth committed to the Department and serve
13 as a resource by informing them of pertinent laws, rules,
14 and policies, and their rights thereunder.

15 (c) The following cases shall be reported immediately to
16 the Director of Juvenile Justice and the Governor:

17 (1) cases of severe abuse or injury of a youth;

18 (2) serious misconduct, misfeasance, malfeasance, or
19 serious violations of policies and procedures concerning
20 the administration of a Department of Juvenile Justice
21 program or operation;

22 (3) serious problems concerning the delivery of
23 services in a facility operated by or under contract with
24 the Department of Juvenile Justice;

25 (4) interference by the Department of Juvenile Justice
26 with an investigation conducted by the Office; and

1 (5) other cases as deemed necessary by the Ombudsman.

2 (d) Notwithstanding any other provision of law, the
3 Ombudsman may not investigate alleged criminal behavior or
4 violations of the State Officials and Employees Ethics Act. If
5 the Ombudsman determines that a possible criminal act has been
6 committed, or that special expertise is required in the
7 investigation, he or she shall immediately notify the
8 Department of State Police. If the Ombudsman determines that a
9 possible violation of the State Officials and Employees Ethics
10 Act has occurred, he or she shall immediately refer the
11 incident to the Office of the Governor's Executive Inspector
12 General for investigation. If the Ombudsman receives a
13 complaint from a youth or third party regarding suspected abuse
14 or neglect of a child, the Ombudsman shall refer the incident
15 to the Child Abuse and Neglect Hotline or to the State Police
16 as mandated by the Abused and Neglected Child Reporting Act.
17 Any investigation conducted by the Ombudsman shall not be
18 duplicative and shall be separate from any investigation
19 mandated by the Abused and Neglected Child Reporting Act. All
20 investigations conducted by the Ombudsman shall be conducted in
21 a manner designed to ensure the preservation of evidence for
22 possible use in a criminal prosecution.

23 (e) In performance of his or her duties, the Ombudsman may:

24 (1) review court files of youth;

25 (2) recommend policies, rules, and legislation
26 designed to protect youth;

1 (Source: P.A. 98-1032, eff. 8-25-14; revised 11-26-14.)

2 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

3 Sec. 3-10-2. Examination of Persons Committed to the
4 Department of Juvenile Justice.

5 (a) A person committed to the Department of Juvenile
6 Justice shall be examined in regard to his medical,
7 psychological, social, educational and vocational condition
8 and history, including the use of alcohol and other drugs, the
9 circumstances of his offense and any other information as the
10 Department of Juvenile Justice may determine.

11 (a-5) Upon admission of a person committed to the
12 Department of Juvenile Justice, the Department of Juvenile
13 Justice must provide the person with appropriate information
14 concerning HIV and AIDS in writing, verbally, or by video or
15 other electronic means. The Department of Juvenile Justice
16 shall develop the informational materials in consultation with
17 the Department of Public Health. At the same time, the
18 Department of Juvenile Justice also must offer the person the
19 option of being tested, at no charge to the person, for
20 infection with human immunodeficiency virus (HIV). Pre-test
21 information shall be provided to the committed person and
22 informed consent obtained as required in subsection (q) of
23 Section 3 and Section 5 of the AIDS Confidentiality Act. The
24 Department of Juvenile Justice may conduct opt-out HIV testing
25 as defined in Section 4 of the AIDS Confidentiality Act. If the

1 Department conducts opt-out HIV testing, the Department shall
2 place signs in English, Spanish and other languages as needed
3 in multiple, highly visible locations in the area where HIV
4 testing is conducted informing inmates that they will be tested
5 for HIV unless they refuse, and refusal or acceptance of
6 testing shall be documented in the inmate's medical record. The
7 Department shall follow procedures established by the
8 Department of Public Health to conduct HIV testing and testing
9 to confirm positive HIV test results. All testing must be
10 conducted by medical personnel, but pre-test and other
11 information may be provided by committed persons who have
12 received appropriate training. The Department, in conjunction
13 with the Department of Public Health, shall develop a plan that
14 complies with the AIDS Confidentiality Act to deliver
15 confidentially all positive or negative HIV test results to
16 inmates or former inmates. Nothing in this Section shall
17 require the Department to offer HIV testing to an inmate who is
18 known to be infected with HIV, or who has been tested for HIV
19 within the previous 180 days and whose documented HIV test
20 result is available to the Department electronically. The
21 testing provided under this subsection (a-5) shall consist of a
22 test approved by the Illinois Department of Public Health to
23 determine the presence of HIV infection, based upon
24 recommendations of the United States Centers for Disease
25 Control and Prevention. If the test result is positive, a
26 reliable supplemental test based upon recommendations of the

1 United States Centers for Disease Control and Prevention shall
2 be administered.

3 Also upon admission of a person committed to the Department
4 of Juvenile Justice, the Department of Juvenile Justice must
5 inform the person of the Department's obligation to provide the
6 person with medical care.

7 (b) Based on its examination, the Department of Juvenile
8 Justice may exercise the following powers in developing a
9 treatment program of any person committed to the Department of
10 Juvenile Justice:

11 (1) Require participation by him in vocational,
12 physical, educational and corrective training and
13 activities to return him to the community.

14 (2) Place him in any institution or facility of the
15 Department of Juvenile Justice.

16 (3) Order replacement or referral to the Parole and
17 Pardon Board as often as it deems desirable. The Department
18 of Juvenile Justice shall refer the person to the Parole
19 and Pardon Board as required under Section 3-3-4.

20 (4) Enter into agreements with the Secretary of Human
21 Services and the Director of Children and Family Services,
22 with courts having probation officers, and with private
23 agencies or institutions for separate care or special
24 treatment of persons subject to the control of the
25 Department of Juvenile Justice.

26 (c) The Department of Juvenile Justice shall make periodic

1 reexamination of all persons under the control of the
2 Department of Juvenile Justice to determine whether existing
3 orders in individual cases should be modified or continued.
4 This examination shall be made with respect to every person at
5 least once annually.

6 (d) A record of the treatment decision including any
7 modification thereof and the reason therefor, shall be part of
8 the committed person's master record file.

9 (e) The Department of Juvenile Justice shall by certified
10 mail and telephone or electronic message notify the parent,
11 guardian or nearest relative of any person committed to the
12 Department of Juvenile Justice of his or her physical location
13 and any change thereof.

14 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;
15 97-813, eff. 7-13-12; 98-689, eff. 1-1-15; 98-1046, eff.
16 1-1-15; revised 10-1-14.)

17 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

18 Sec. 5-6-1. Sentences of Probation and of Conditional
19 Discharge and Disposition of Supervision. The General Assembly
20 finds that in order to protect the public, the criminal justice
21 system must compel compliance with the conditions of probation
22 by responding to violations with swift, certain and fair
23 punishments and intermediate sanctions. The Chief Judge of each
24 circuit shall adopt a system of structured, intermediate
25 sanctions for violations of the terms and conditions of a

1 sentence of probation, conditional discharge or disposition of
2 supervision.

3 (a) Except where specifically prohibited by other
4 provisions of this Code, the court shall impose a sentence of
5 probation or conditional discharge upon an offender unless,
6 having regard to the nature and circumstance of the offense,
7 and to the history, character and condition of the offender,
8 the court is of the opinion that:

9 (1) his imprisonment or periodic imprisonment is
10 necessary for the protection of the public; or

11 (2) probation or conditional discharge would deprecate
12 the seriousness of the offender's conduct and would be
13 inconsistent with the ends of justice; or

14 (3) a combination of imprisonment with concurrent or
15 consecutive probation when an offender has been admitted
16 into a drug court program under Section 20 of the Drug
17 Court Treatment Act is necessary for the protection of the
18 public and for the rehabilitation of the offender.

19 The court shall impose as a condition of a sentence of
20 probation, conditional discharge, or supervision, that the
21 probation agency may invoke any sanction from the list of
22 intermediate sanctions adopted by the chief judge of the
23 circuit court for violations of the terms and conditions of the
24 sentence of probation, conditional discharge, or supervision,
25 subject to the provisions of Section 5-6-4 of this Act.

26 (b) The court may impose a sentence of conditional

1 discharge for an offense if the court is of the opinion that
2 neither a sentence of imprisonment nor of periodic imprisonment
3 nor of probation supervision is appropriate.

4 (b-1) Subsections (a) and (b) of this Section do not apply
5 to a defendant charged with a misdemeanor or felony under the
6 Illinois Vehicle Code or reckless homicide under Section 9-3 of
7 the Criminal Code of 1961 or the Criminal Code of 2012 if the
8 defendant within the past 12 months has been convicted of or
9 pleaded guilty to a misdemeanor or felony under the Illinois
10 Vehicle Code or reckless homicide under Section 9-3 of the
11 Criminal Code of 1961 or the Criminal Code of 2012.

12 (c) The court may, upon a plea of guilty or a stipulation
13 by the defendant of the facts supporting the charge or a
14 finding of guilt, defer further proceedings and the imposition
15 of a sentence, and enter an order for supervision of the
16 defendant, if the defendant is not charged with: (i) a Class A
17 misdemeanor, as defined by the following provisions of the
18 Criminal Code of 1961 or the Criminal Code of 2012: Sections
19 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
20 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
21 paragraph (1) through (5), (8), (10), and (11) of subsection
22 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
23 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
24 Act; or (iii) a felony. If the defendant is not barred from
25 receiving an order for supervision as provided in this
26 subsection, the court may enter an order for supervision after

1 considering the circumstances of the offense, and the history,
2 character and condition of the offender, if the court is of the
3 opinion that:

4 (1) the offender is not likely to commit further
5 crimes;

6 (2) the defendant and the public would be best served
7 if the defendant were not to receive a criminal record; and

8 (3) in the best interests of justice an order of
9 supervision is more appropriate than a sentence otherwise
10 permitted under this Code.

11 (c-5) Subsections (a), (b), and (c) of this Section do not
12 apply to a defendant charged with a second or subsequent
13 violation of Section 6-303 of the Illinois Vehicle Code
14 committed while his or her driver's license, permit or
15 privileges were revoked because of a violation of Section 9-3
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 relating to the offense of reckless homicide, or a similar
18 provision of a law of another state.

19 (d) The provisions of paragraph (c) shall not apply to a
20 defendant charged with violating Section 11-501 of the Illinois
21 Vehicle Code or a similar provision of a local ordinance when
22 the defendant has previously been:

23 (1) convicted for a violation of Section 11-501 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance or any similar law or ordinance of another state;
26 or

1 (2) assigned supervision for a violation of Section
2 11-501 of the Illinois Vehicle Code or a similar provision
3 of a local ordinance or any similar law or ordinance of
4 another state; or

5 (3) pleaded guilty to or stipulated to the facts
6 supporting a charge or a finding of guilty to a violation
7 of Section 11-503 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance or any similar law or
9 ordinance of another state, and the plea or stipulation was
10 the result of a plea agreement.

11 The court shall consider the statement of the prosecuting
12 authority with regard to the standards set forth in this
13 Section.

14 (e) The provisions of paragraph (c) shall not apply to a
15 defendant charged with violating Section 16-25 or 16A-3 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 if said
17 defendant has within the last 5 years been:

18 (1) convicted for a violation of Section 16-25 or 16A-3
19 of the Criminal Code of 1961 or the Criminal Code of 2012;
20 or

21 (2) assigned supervision for a violation of Section
22 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
23 Code of 2012.

24 The court shall consider the statement of the prosecuting
25 authority with regard to the standards set forth in this
26 Section.

1 (f) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Sections 15-111, 15-112,
3 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
4 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance.

6 (g) Except as otherwise provided in paragraph (i) of this
7 Section, the provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 3-707, 3-708, 3-710,
9 or 5-401.3 of the Illinois Vehicle Code or a similar provision
10 of a local ordinance if the defendant has within the last 5
11 years been:

12 (1) convicted for a violation of Section 3-707, 3-708,
13 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
14 provision of a local ordinance; or

15 (2) assigned supervision for a violation of Section
16 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
17 Code or a similar provision of a local ordinance.

18 The court shall consider the statement of the prosecuting
19 authority with regard to the standards set forth in this
20 Section.

21 (h) The provisions of paragraph (c) shall not apply to a
22 defendant under the age of 21 years charged with violating a
23 serious traffic offense as defined in Section 1-187.001 of the
24 Illinois Vehicle Code:

25 (1) unless the defendant, upon payment of the fines,
26 penalties, and costs provided by law, agrees to attend and

1 successfully complete a traffic safety program approved by
2 the court under standards set by the Conference of Chief
3 Circuit Judges. The accused shall be responsible for
4 payment of any traffic safety program fees. If the accused
5 fails to file a certificate of successful completion on or
6 before the termination date of the supervision order, the
7 supervision shall be summarily revoked and conviction
8 entered. The provisions of Supreme Court Rule 402 relating
9 to pleas of guilty do not apply in cases when a defendant
10 enters a guilty plea under this provision; or

11 (2) if the defendant has previously been sentenced
12 under the provisions of paragraph (c) on or after January
13 1, 1998 for any serious traffic offense as defined in
14 Section 1-187.001 of the Illinois Vehicle Code.

15 (h-1) The provisions of paragraph (c) shall not apply to a
16 defendant under the age of 21 years charged with an offense
17 against traffic regulations governing the movement of vehicles
18 or any violation of Section 6-107 or Section 12-603.1 of the
19 Illinois Vehicle Code, unless the defendant, upon payment of
20 the fines, penalties, and costs provided by law, agrees to
21 attend and successfully complete a traffic safety program
22 approved by the court under standards set by the Conference of
23 Chief Circuit Judges. The accused shall be responsible for
24 payment of any traffic safety program fees. If the accused
25 fails to file a certificate of successful completion on or
26 before the termination date of the supervision order, the

1 supervision shall be summarily revoked and conviction entered.
2 The provisions of Supreme Court Rule 402 relating to pleas of
3 guilty do not apply in cases when a defendant enters a guilty
4 plea under this provision.

5 (i) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 3-707 of the Illinois
7 Vehicle Code or a similar provision of a local ordinance if the
8 defendant has been assigned supervision for a violation of
9 Section 3-707 of the Illinois Vehicle Code or a similar
10 provision of a local ordinance.

11 (j) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Section 6-303 of the Illinois
13 Vehicle Code or a similar provision of a local ordinance when
14 the revocation or suspension was for a violation of Section
15 11-501 or a similar provision of a local ordinance or a
16 violation of Section 11-501.1 or paragraph (b) of Section
17 11-401 of the Illinois Vehicle Code if the defendant has within
18 the last 10 years been:

19 (1) convicted for a violation of Section 6-303 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance; or

22 (2) assigned supervision for a violation of Section
23 6-303 of the Illinois Vehicle Code or a similar provision
24 of a local ordinance.

25 (k) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating any provision of the Illinois

1 Vehicle Code or a similar provision of a local ordinance that
2 governs the movement of vehicles if, within the 12 months
3 preceding the date of the defendant's arrest, the defendant has
4 been assigned court supervision on 2 occasions for a violation
5 that governs the movement of vehicles under the Illinois
6 Vehicle Code or a similar provision of a local ordinance. The
7 provisions of this paragraph (k) do not apply to a defendant
8 charged with violating Section 11-501 of the Illinois Vehicle
9 Code or a similar provision of a local ordinance.

10 (l) A defendant charged with violating any provision of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance who receives a disposition of supervision under
13 subsection (c) shall pay an additional fee of \$29, to be
14 collected as provided in Sections 27.5 and 27.6 of the Clerks
15 of Courts Act. In addition to the \$29 fee, the person shall
16 also pay a fee of \$6, which, if not waived by the court, shall
17 be collected as provided in Sections 27.5 and 27.6 of the
18 Clerks of Courts Act. The \$29 fee shall be disbursed as
19 provided in Section 16-104c of the Illinois Vehicle Code. If
20 the \$6 fee is collected, \$5.50 of the fee shall be deposited
21 into the Circuit Court Clerk Operation and Administrative Fund
22 created by the Clerk of the Circuit Court and 50 cents of the
23 fee shall be deposited into the Prisoner Review Board Vehicle
24 and Equipment Fund in the State treasury.

25 (m) Any person convicted of, pleading guilty to, or placed
26 on supervision for a serious traffic violation, as defined in

1 Section 1-187.001 of the Illinois Vehicle Code, a violation of
2 Section 11-501 of the Illinois Vehicle Code, or a violation of
3 a similar provision of a local ordinance shall pay an
4 additional fee of \$35, to be disbursed as provided in Section
5 16-104d of that Code.

6 This subsection (m) becomes inoperative on January 1, 2020.

7 (n) The provisions of paragraph (c) shall not apply to any
8 person under the age of 18 who commits an offense against
9 traffic regulations governing the movement of vehicles or any
10 violation of Section 6-107 or Section 12-603.1 of the Illinois
11 Vehicle Code, except upon personal appearance of the defendant
12 in court and upon the written consent of the defendant's parent
13 or legal guardian, executed before the presiding judge. The
14 presiding judge shall have the authority to waive this
15 requirement upon the showing of good cause by the defendant.

16 (o) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 6-303 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance when
19 the suspension was for a violation of Section 11-501.1 of the
20 Illinois Vehicle Code and when:

21 (1) at the time of the violation of Section 11-501.1 of
22 the Illinois Vehicle Code, the defendant was a first
23 offender pursuant to Section 11-500 of the Illinois Vehicle
24 Code and the defendant failed to obtain a monitoring device
25 driving permit; or

26 (2) at the time of the violation of Section 11-501.1 of

1 the Illinois Vehicle Code, the defendant was a first
2 offender pursuant to Section 11-500 of the Illinois Vehicle
3 Code, had subsequently obtained a monitoring device
4 driving permit, but was driving a vehicle not equipped with
5 a breath alcohol ignition interlock device as defined in
6 Section 1-129.1 of the Illinois Vehicle Code.

7 (p) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 11-601.5 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance.

11 (q) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating subsection (b) of Section
13 11-601 of the Illinois Vehicle Code when the defendant was
14 operating a vehicle, in an urban district, at a speed in excess
15 of 25 miles per hour over the posted speed limit.

16 (r) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating any provision of the Illinois
18 Vehicle Code or a similar provision of a local ordinance if the
19 violation was the proximate cause of the death of another and
20 the defendant's driving abstract contains a prior conviction or
21 disposition of court supervision for any violation of the
22 Illinois Vehicle Code, other than an equipment violation, or a
23 suspension, revocation, or cancellation of the driver's
24 license.

25 (s) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating subsection (i) of Section 70

1 of the Firearm Concealed Carry Act.

2 (Source: P.A. 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
3 97-831, eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff.
4 1-25-13; 98-169, eff. 1-1-14; 98-658, eff. 6-23-14; 98-899,
5 eff. 8-15-14; revised 10-1-14.)

6 (730 ILCS 5/5-6-2) (from Ch. 38, par. 1005-6-2)

7 Sec. 5-6-2. Incidents of Probation and of Conditional
8 Discharge.

9 (a) When an offender is sentenced to probation or
10 conditional discharge, the court shall impose a period as
11 provided in Article 4.5 of Chapter V, and shall specify the
12 conditions under Section 5-6-3.

13 (b) Multiple terms of probation imposed at the same time
14 shall run concurrently.

15 (c) The court may at any time terminate probation or
16 conditional discharge if warranted by the conduct of the
17 offender and the ends of justice, as provided in Section 5-6-4.

18 (c-1) For purposes of this subsection (c-1), a "violent
19 offense" means an offense in which bodily harm is inflicted or
20 force is used against any person or threatened against any
21 person; an offense involving sexual conduct, sexual
22 penetration, or sexual exploitation; an offense involving
23 domestic violence; an offense of domestic battery, violation of
24 an order of protection, stalking, or hate crime; an offense of
25 driving under the influence of drugs or alcohol; or an offense

1 involving the possession of a firearm or dangerous weapon. An
2 offender, other than an offender sentenced on a violent
3 offense, shall be entitled to a time credit toward the
4 completion of the offender's probation or conditional
5 discharge as follows:

6 (1) For obtaining a high school diploma or GED: 90
7 days.

8 (2) For obtaining an associate's degree, career
9 certificate, or vocational technical certification: 120
10 days.

11 (3) For obtaining a bachelor's degree: 180 days.

12 An offender's supervising officer shall promptly and as
13 soon as practicable notify the court of the offender's right to
14 time credits under this subsection (c-1). Upon receipt of this
15 notification, the court shall enter an order modifying the
16 offender's remaining period of probation or conditional
17 discharge to reflect the time credit earned. If, before the
18 expiration of the original period or a reduced period of
19 probation or conditional discharge, the court, after a hearing
20 under Section 5-6-4 of this Code, finds that an offender
21 violated one or more conditions of probation or conditional
22 discharge, the court may order that some or all of the time
23 credit to which the offender is entitled under this Section be
24 forfeited.

25 (d) Upon the expiration or termination of the period of
26 probation or of conditional discharge, the court shall enter an

1 order discharging the offender.

2 (e) The court may extend any period of probation or
3 conditional discharge beyond the limits set forth in Article
4 4.5 of Chapter V upon a violation of a condition of the
5 probation or conditional discharge, for the payment of an
6 assessment required by Section 10.3 of the Cannabis Control
7 Act, Section 411.2 of the Illinois Controlled Substances Act,
8 or Section 80 of the Methamphetamine Control and Community
9 Protection Act, or for the payment of restitution as provided
10 by an order of restitution under Section 5-5-6 of this Code.

11 (e-5) If payment of restitution as ordered has not been
12 made, the victim shall file a petition notifying the sentencing
13 court, any other person to whom restitution is owed, and the
14 State's Attorney of the status of the ordered restitution
15 payments unpaid at least 90 days before the probation or
16 conditional discharge expiration date. If payment as ordered
17 has not been made, the court shall hold a review hearing prior
18 to the expiration date, unless the hearing is voluntarily
19 waived by the defendant with the knowledge that waiver may
20 result in an extension of the probation or conditional
21 discharge period or in a revocation of probation or conditional
22 discharge. If the court does not extend probation or
23 conditional discharge, it shall issue a judgment for the unpaid
24 restitution and direct the clerk of the circuit court to file
25 and enter the judgment in the judgment and lien docket, without
26 fee, unless it finds that the victim has recovered a judgment

1 against the defendant for the amount covered by the restitution
2 order. If the court issues a judgment for the unpaid
3 restitution, the court shall send to the defendant at his or
4 her last known address written notification that a civil
5 judgment has been issued for the unpaid restitution.

6 (f) The court may impose a term of probation that is
7 concurrent or consecutive to a term of imprisonment so long as
8 the maximum term imposed does not exceed the maximum term
9 provided under Article 4.5 of Chapter V or Article 8 of this
10 Chapter. The court may provide that probation may commence
11 while an offender is on mandatory supervised release,
12 participating in a day release program, or being monitored by
13 an electronic monitoring device.

14 (g) The court may extend a term of probation or conditional
15 discharge that was concurrent to, consecutive to, or otherwise
16 interrupted by a term of imprisonment for the purpose of
17 providing additional time to complete an order of restitution.

18 (Source: P.A. 98-940, eff. 1-1-15; 98-953, eff. 1-1-15;
19 98-1114, eff. 8-26-14; revised 10-1-14.)

20 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

21 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

22 (a) When a defendant is placed on supervision, the court
23 shall enter an order for supervision specifying the period of
24 such supervision, and shall defer further proceedings in the
25 case until the conclusion of the period.

1 (b) The period of supervision shall be reasonable under all
2 of the circumstances of the case, but may not be longer than 2
3 years, unless the defendant has failed to pay the assessment
4 required by Section 10.3 of the Cannabis Control Act, Section
5 411.2 of the Illinois Controlled Substances Act, or Section 80
6 of the Methamphetamine Control and Community Protection Act, in
7 which case the court may extend supervision beyond 2 years.
8 Additionally, the court shall order the defendant to perform no
9 less than 30 hours of community service and not more than 120
10 hours of community service, if community service is available
11 in the jurisdiction and is funded and approved by the county
12 board where the offense was committed, when the offense (1) was
13 related to or in furtherance of the criminal activities of an
14 organized gang or was motivated by the defendant's membership
15 in or allegiance to an organized gang; or (2) is a violation of
16 any Section of Article 24 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 where a disposition of supervision is not
18 prohibited by Section 5-6-1 of this Code. The community service
19 shall include, but not be limited to, the cleanup and repair of
20 any damage caused by violation of Section 21-1.3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 and similar
22 damages to property located within the municipality or county
23 in which the violation occurred. Where possible and reasonable,
24 the community service should be performed in the offender's
25 neighborhood.

26 For the purposes of this Section, "organized gang" has the

1 meaning ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 (c) The court may in addition to other reasonable
4 conditions relating to the nature of the offense or the
5 rehabilitation of the defendant as determined for each
6 defendant in the proper discretion of the court require that
7 the person:

8 (1) make a report to and appear in person before or
9 participate with the court or such courts, person, or
10 social service agency as directed by the court in the order
11 of supervision;

12 (2) pay a fine and costs;

13 (3) work or pursue a course of study or vocational
14 training;

15 (4) undergo medical, psychological or psychiatric
16 treatment; or treatment for drug addiction or alcoholism;

17 (5) attend or reside in a facility established for the
18 instruction or residence of defendants on probation;

19 (6) support his dependents;

20 (7) refrain from possessing a firearm or other
21 dangerous weapon;

22 (8) and in addition, if a minor:

23 (i) reside with his parents or in a foster home;

24 (ii) attend school;

25 (iii) attend a non-residential program for youth;

26 (iv) contribute to his own support at home or in a

1 foster home; or

2 (v) with the consent of the superintendent of the
3 facility, attend an educational program at a facility
4 other than the school in which the offense was
5 committed if he or she is placed on supervision for a
6 crime of violence as defined in Section 2 of the Crime
7 Victims Compensation Act committed in a school, on the
8 real property comprising a school, or within 1,000 feet
9 of the real property comprising a school;

10 (9) make restitution or reparation in an amount not to
11 exceed actual loss or damage to property and pecuniary loss
12 or make restitution under Section 5-5-6 to a domestic
13 violence shelter. The court shall determine the amount and
14 conditions of payment;

15 (10) perform some reasonable public or community
16 service;

17 (11) comply with the terms and conditions of an order
18 of protection issued by the court pursuant to the Illinois
19 Domestic Violence Act of 1986 or an order of protection
20 issued by the court of another state, tribe, or United
21 States territory. If the court has ordered the defendant to
22 make a report and appear in person under paragraph (1) of
23 this subsection, a copy of the order of protection shall be
24 transmitted to the person or agency so designated by the
25 court;

26 (12) reimburse any "local anti-crime program" as

1 defined in Section 7 of the Anti-Crime Advisory Council Act
2 for any reasonable expenses incurred by the program on the
3 offender's case, not to exceed the maximum amount of the
4 fine authorized for the offense for which the defendant was
5 sentenced;

6 (13) contribute a reasonable sum of money, not to
7 exceed the maximum amount of the fine authorized for the
8 offense for which the defendant was sentenced, (i) to a
9 "local anti-crime program", as defined in Section 7 of the
10 Anti-Crime Advisory Council Act, or (ii) for offenses under
11 the jurisdiction of the Department of Natural Resources, to
12 the fund established by the Department of Natural Resources
13 for the purchase of evidence for investigation purposes and
14 to conduct investigations as outlined in Section 805-105 of
15 the Department of Natural Resources (Conservation) Law;

16 (14) refrain from entering into a designated
17 geographic area except upon such terms as the court finds
18 appropriate. Such terms may include consideration of the
19 purpose of the entry, the time of day, other persons
20 accompanying the defendant, and advance approval by a
21 probation officer;

22 (15) refrain from having any contact, directly or
23 indirectly, with certain specified persons or particular
24 types of person, including but not limited to members of
25 street gangs and drug users or dealers;

26 (16) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis
2 Control Act, the Illinois Controlled Substances Act, or the
3 Methamphetamine Control and Community Protection Act,
4 unless prescribed by a physician, and submit samples of his
5 or her blood or urine or both for tests to determine the
6 presence of any illicit drug;

7 (17) refrain from operating any motor vehicle not
8 equipped with an ignition interlock device as defined in
9 Section 1-129.1 of the Illinois Vehicle Code; under this
10 condition the court may allow a defendant who is not
11 self-employed to operate a vehicle owned by the defendant's
12 employer that is not equipped with an ignition interlock
13 device in the course and scope of the defendant's
14 employment; and

15 (18) if placed on supervision for a sex offense as
16 defined in subsection (a-5) of Section 3-1-2 of this Code,
17 unless the offender is a parent or guardian of the person
18 under 18 years of age present in the home and no
19 non-familial minors are present, not participate in a
20 holiday event involving children under 18 years of age,
21 such as distributing candy or other items to children on
22 Halloween, wearing a Santa Claus costume on or preceding
23 Christmas, being employed as a department store Santa
24 Claus, or wearing an Easter Bunny costume on or preceding
25 Easter.

26 (c-5) If payment of restitution as ordered has not been

1 made, the victim shall file a petition notifying the sentencing
2 court, any other person to whom restitution is owed, and the
3 State's Attorney of the status of the ordered restitution
4 payments unpaid at least 90 days before the supervision
5 expiration date. If payment as ordered has not been made, the
6 court shall hold a review hearing prior to the expiration date,
7 unless the hearing is voluntarily waived by the defendant with
8 the knowledge that waiver may result in an extension of the
9 supervision period or in a revocation of supervision. If the
10 court does not extend supervision, it shall issue a judgment
11 for the unpaid restitution and direct the clerk of the circuit
12 court to file and enter the judgment in the judgment and lien
13 docket, without fee, unless it finds that the victim has
14 recovered a judgment against the defendant for the amount
15 covered by the restitution order. If the court issues a
16 judgment for the unpaid restitution, the court shall send to
17 the defendant at his or her last known address written
18 notification that a civil judgment has been issued for the
19 unpaid restitution.

20 (d) The court shall defer entering any judgment on the
21 charges until the conclusion of the supervision.

22 (e) At the conclusion of the period of supervision, if the
23 court determines that the defendant has successfully complied
24 with all of the conditions of supervision, the court shall
25 discharge the defendant and enter a judgment dismissing the
26 charges.

1 (f) Discharge and dismissal upon a successful conclusion of
2 a disposition of supervision shall be deemed without
3 adjudication of guilt and shall not be termed a conviction for
4 purposes of disqualification or disabilities imposed by law
5 upon conviction of a crime. Two years after the discharge and
6 dismissal under this Section, unless the disposition of
7 supervision was for a violation of Sections 3-707, 3-708,
8 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance, or for a violation of
10 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
11 or the Criminal Code of 2012, in which case it shall be 5 years
12 after discharge and dismissal, a person may have his record of
13 arrest sealed or expunged as may be provided by law. However,
14 any defendant placed on supervision before January 1, 1980, may
15 move for sealing or expungement of his arrest record, as
16 provided by law, at any time after discharge and dismissal
17 under this Section. A person placed on supervision for a sexual
18 offense committed against a minor as defined in clause
19 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or
20 for a violation of Section 11-501 of the Illinois Vehicle Code
21 or a similar provision of a local ordinance shall not have his
22 or her record of arrest sealed or expunged.

23 (g) A defendant placed on supervision and who during the
24 period of supervision undergoes mandatory drug or alcohol
25 testing, or both, or is assigned to be placed on an approved
26 electronic monitoring device, shall be ordered to pay the costs

1 incidental to such mandatory drug or alcohol testing, or both,
2 and costs incidental to such approved electronic monitoring in
3 accordance with the defendant's ability to pay those costs. The
4 county board with the concurrence of the Chief Judge of the
5 judicial circuit in which the county is located shall establish
6 reasonable fees for the cost of maintenance, testing, and
7 incidental expenses related to the mandatory drug or alcohol
8 testing, or both, and all costs incidental to approved
9 electronic monitoring, of all defendants placed on
10 supervision. The concurrence of the Chief Judge shall be in the
11 form of an administrative order. The fees shall be collected by
12 the clerk of the circuit court. The clerk of the circuit court
13 shall pay all moneys collected from these fees to the county
14 treasurer who shall use the moneys collected to defray the
15 costs of drug testing, alcohol testing, and electronic
16 monitoring. The county treasurer shall deposit the fees
17 collected in the county working cash fund under Section 6-27001
18 or Section 6-29002 of the Counties Code, as the case may be.

19 (h) A disposition of supervision is a final order for the
20 purposes of appeal.

21 (i) The court shall impose upon a defendant placed on
22 supervision after January 1, 1992 or to community service under
23 the supervision of a probation or court services department
24 after January 1, 2004, as a condition of supervision or
25 supervised community service, a fee of \$50 for each month of
26 supervision or supervised community service ordered by the

1 court, unless after determining the inability of the person
2 placed on supervision or supervised community service to pay
3 the fee, the court assesses a lesser fee. The court may not
4 impose the fee on a minor who is made a ward of the State under
5 the Juvenile Court Act of 1987 while the minor is in placement.
6 The fee shall be imposed only upon a defendant who is actively
7 supervised by the probation and court services department. The
8 fee shall be collected by the clerk of the circuit court. The
9 clerk of the circuit court shall pay all monies collected from
10 this fee to the county treasurer for deposit in the probation
11 and court services fund pursuant to Section 15.1 of the
12 Probation and Probation Officers Act.

13 A circuit court may not impose a probation fee in excess of
14 \$25 per month unless the circuit court has adopted, by
15 administrative order issued by the chief judge, a standard
16 probation fee guide determining an offender's ability to pay.
17 Of the amount collected as a probation fee, not to exceed \$5 of
18 that fee collected per month may be used to provide services to
19 crime victims and their families.

20 The Court may only waive probation fees based on an
21 offender's ability to pay. The probation department may
22 re-evaluate an offender's ability to pay every 6 months, and,
23 with the approval of the Director of Court Services or the
24 Chief Probation Officer, adjust the monthly fee amount. An
25 offender may elect to pay probation fees due in a lump sum. Any
26 offender that has been assigned to the supervision of a

1 probation department, or has been transferred either under
2 subsection (h) of this Section or under any interstate compact,
3 shall be required to pay probation fees to the department
4 supervising the offender, based on the offender's ability to
5 pay.

6 (j) All fines and costs imposed under this Section for any
7 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
8 Code, or a similar provision of a local ordinance, and any
9 violation of the Child Passenger Protection Act, or a similar
10 provision of a local ordinance, shall be collected and
11 disbursed by the circuit clerk as provided under Section 27.5
12 of the Clerks of Courts Act.

13 (k) A defendant at least 17 years of age who is placed on
14 supervision for a misdemeanor in a county of 3,000,000 or more
15 inhabitants and who has not been previously convicted of a
16 misdemeanor or felony may as a condition of his or her
17 supervision be required by the court to attend educational
18 courses designed to prepare the defendant for a high school
19 diploma and to work toward a high school diploma or to work
20 toward passing high school equivalency testing or to work
21 toward completing a vocational training program approved by the
22 court. The defendant placed on supervision must attend a public
23 institution of education to obtain the educational or
24 vocational training required by this subsection (k). The
25 defendant placed on supervision shall be required to pay for
26 the cost of the educational courses or high school equivalency

1 testing if a fee is charged for those courses or testing. The
2 court shall revoke the supervision of a person who wilfully
3 fails to comply with this subsection (k). The court shall
4 resentence the defendant upon revocation of supervision as
5 provided in Section 5-6-4. This subsection (k) does not apply
6 to a defendant who has a high school diploma or has
7 successfully passed high school equivalency testing. This
8 subsection (k) does not apply to a defendant who is determined
9 by the court to be developmentally disabled or otherwise
10 mentally incapable of completing the educational or vocational
11 program.

12 (l) The court shall require a defendant placed on
13 supervision for possession of a substance prohibited by the
14 Cannabis Control Act, the Illinois Controlled Substances Act,
15 or the Methamphetamine Control and Community Protection Act
16 after a previous conviction or disposition of supervision for
17 possession of a substance prohibited by the Cannabis Control
18 Act, the Illinois Controlled Substances Act, or the
19 Methamphetamine Control and Community Protection Act or a
20 sentence of probation under Section 10 of the Cannabis Control
21 Act or Section 410 of the Illinois Controlled Substances Act
22 and after a finding by the court that the person is addicted,
23 to undergo treatment at a substance abuse program approved by
24 the court.

25 (m) The Secretary of State shall require anyone placed on
26 court supervision for a violation of Section 3-707 of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance to give proof of his or her financial responsibility
3 as defined in Section 7-315 of the Illinois Vehicle Code. The
4 proof shall be maintained by the individual in a manner
5 satisfactory to the Secretary of State for a minimum period of
6 3 years after the date the proof is first filed. The proof
7 shall be limited to a single action per arrest and may not be
8 affected by any post-sentence disposition. The Secretary of
9 State shall suspend the driver's license of any person
10 determined by the Secretary to be in violation of this
11 subsection.

12 (n) Any offender placed on supervision for any offense that
13 the court or probation department has determined to be sexually
14 motivated as defined in the Sex Offender Management Board Act
15 shall be required to refrain from any contact, directly or
16 indirectly, with any persons specified by the court and shall
17 be available for all evaluations and treatment programs
18 required by the court or the probation department.

19 (o) An offender placed on supervision for a sex offense as
20 defined in the Sex Offender Management Board Act shall refrain
21 from residing at the same address or in the same condominium
22 unit or apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has been
25 placed on supervision for a sex offense. The provisions of this
26 subsection (o) do not apply to a person convicted of a sex

1 offense who is placed in a Department of Corrections licensed
2 transitional housing facility for sex offenders.

3 (p) An offender placed on supervision for an offense
4 committed on or after June 1, 2008 (the effective date of
5 Public Act 95-464) that would qualify the accused as a child
6 sex offender as defined in Section 11-9.3 or 11-9.4 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 shall
8 refrain from communicating with or contacting, by means of the
9 Internet, a person who is not related to the accused and whom
10 the accused reasonably believes to be under 18 years of age.
11 For purposes of this subsection (p), "Internet" has the meaning
12 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
13 and a person is not related to the accused if the person is
14 not: (i) the spouse, brother, or sister of the accused; (ii) a
15 descendant of the accused; (iii) a first or second cousin of
16 the accused; or (iv) a step-child or adopted child of the
17 accused.

18 (q) An offender placed on supervision for an offense
19 committed on or after June 1, 2008 (the effective date of
20 Public Act 95-464) that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
23 ordered by the court, refrain from communicating with or
24 contacting, by means of the Internet, a person who is related
25 to the accused and whom the accused reasonably believes to be
26 under 18 years of age. For purposes of this subsection (q),

1 "Internet" has the meaning ascribed to it in Section 16-0.1 of
2 the Criminal Code of 2012; and a person is related to the
3 accused if the person is: (i) the spouse, brother, or sister of
4 the accused; (ii) a descendant of the accused; (iii) a first or
5 second cousin of the accused; or (iv) a step-child or adopted
6 child of the accused.

7 (r) An offender placed on supervision for an offense under
8 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
9 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
10 11-21 of the Criminal Code of 1961 or the Criminal Code of
11 2012, or any attempt to commit any of these offenses, committed
12 on or after the effective date of this amendatory Act of the
13 95th General Assembly shall:

14 (i) not access or use a computer or any other device
15 with Internet capability without the prior written
16 approval of the court, except in connection with the
17 offender's employment or search for employment with the
18 prior approval of the court;

19 (ii) submit to periodic unannounced examinations of
20 the offender's computer or any other device with Internet
21 capability by the offender's probation officer, a law
22 enforcement officer, or assigned computer or information
23 technology specialist, including the retrieval and copying
24 of all data from the computer or device and any internal or
25 external peripherals and removal of such information,
26 equipment, or device to conduct a more thorough 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 computer or
7 any other device with Internet capability imposed by the
8 court.

9 (s) An offender placed on supervision for an offense that
10 is a sex offense as defined in Section 2 of the Sex Offender
11 Registration Act that is committed on or after January 1, 2010
12 (the effective date of Public Act 96-362) that requires the
13 person to register as a sex offender under that Act, may not
14 knowingly use any computer scrub software on any computer that
15 the sex offender uses.

16 (t) An offender placed on supervision for a sex offense as
17 defined in the Sex Offender Registration Act committed on or
18 after January 1, 2010 (the effective date of Public Act 96-262)
19 shall refrain from accessing or using a social networking
20 website as defined in Section 17-0.5 of the Criminal Code of
21 2012.

22 (u) Jurisdiction over an offender may be transferred from
23 the sentencing court to the court of another circuit with the
24 concurrence of both courts. Further transfers or retransfers of
25 jurisdiction are also authorized in the same manner. The court
26 to which jurisdiction has been transferred shall have the same

1 powers as the sentencing court. The probation department within
2 the circuit to which jurisdiction has been transferred may
3 impose probation fees upon receiving the transferred offender,
4 as provided in subsection (i). The probation department from
5 the original sentencing court shall retain all probation fees
6 collected prior to the transfer.

7 (Source: P.A. 97-454, eff. 1-1-12; 97-597, eff. 1-1-12;
8 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
9 1-1-15; 98-940, eff. 1-1-15; revised 10-1-14.)

10 Section 520. The Arsonist Registration Act is amended by
11 changing Sections 5 and 65 as follows:

12 (730 ILCS 148/5)

13 Sec. 5. Definitions. In this Act:

14 (a) "Arsonist" means any person who is:

15 (1) charged under Illinois law, or any substantially
16 similar federal, Uniform Code of Military Justice, sister
17 state, or foreign country law, with an arson offense, set
18 forth in subsection (b) of this Section or the attempt to
19 commit an included arson offense, and:

20 (i) is convicted of such offense or an attempt to
21 commit such offense; or

22 (ii) is found not guilty by reason of insanity of
23 such offense or an attempt to commit such offense; or

24 (iii) is found not guilty by reason of insanity

1 under subsection (c) of Section 104-25 of the Code of
2 Criminal Procedure of 1963 of such offense or an
3 attempt to commit such offense; or

4 (iv) is the subject of a finding not resulting in
5 an acquittal at a hearing conducted under subsection
6 (a) of Section 104-25 of the Code of Criminal Procedure
7 of 1963 for the alleged commission or attempted
8 commission of such offense; or

9 (v) is found not guilty by reason of insanity
10 following a hearing conducted under a federal, Uniform
11 Code of Military Justice, sister state, or foreign
12 country law substantially similar to subsection (c) of
13 Section 104-25 of the Code of Criminal Procedure of
14 1963 of such offense or of the attempted commission of
15 such offense; or

16 (vi) is the subject of a finding not resulting in
17 an acquittal at a hearing conducted under a federal,
18 Uniform Code of Military Justice, sister state, or
19 foreign country law substantially similar to
20 subsection (a) of Section 104-25 of the Code of
21 Criminal Procedure of 1963 for the alleged violation or
22 attempted commission of such offense;

23 (2) ~~is~~ a minor who has been tried and convicted in an
24 adult criminal prosecution as the result of committing or
25 attempting to commit an offense specified in subsection (b)
26 of this Section or a violation of any substantially similar

1 federal, Uniform Code of Military Justice, sister state, or
2 foreign country law. Convictions that result from or are
3 connected with the same act, or result from offenses
4 committed at the same time, shall be counted for the
5 purpose of this Act as one conviction. Any conviction set
6 aside under law is not a conviction for purposes of this
7 Act.

8 (b) "Arson offense" means:

9 (1) A violation of any of the following Sections of the
10 Criminal Code of 1961 or the Criminal Code of 2012:

11 (i) 20-1 (arson; residential arson; place of
12 worship arson),

13 (ii) 20-1.1 (aggravated arson),

14 (iii) 20-1(b) or 20-1.2 (residential arson),

15 (iv) 20-1(b-5) or 20-1.3 (place of worship arson),

16 (v) 20-2 (possession of explosives or explosive or
17 incendiary devices), or

18 (vi) An attempt to commit any of the offenses
19 listed in clauses (i) through (v).

20 (2) A violation of any former law of this State
21 substantially equivalent to any offense listed in
22 subsection (b) of this Section.

23 (c) A conviction for an offense of federal law, Uniform
24 Code of Military Justice, or the law of another state or a
25 foreign country that is substantially equivalent to any offense
26 listed in subsection (b) of this Section shall constitute a

1 conviction for the purpose of this Act.

2 (d) "Law enforcement agency having jurisdiction" means the
3 Chief of Police in each of the municipalities in which the
4 arsonist expects to reside, work, or attend school (1) upon his
5 or her discharge, parole or release or (2) during the service
6 of his or her sentence of probation or conditional discharge,
7 or the Sheriff of the county, in the event no Police Chief
8 exists or if the offender intends to reside, work, or attend
9 school in an unincorporated area. "Law enforcement agency
10 having jurisdiction" includes the location where out-of-state
11 students attend school and where out-of-state employees are
12 employed or are otherwise required to register.

13 (e) "Out-of-state student" means any arsonist, as defined
14 in this Section, who is enrolled in Illinois, on a full-time or
15 part-time basis, in any public or private educational
16 institution, including, but not limited to, any secondary
17 school, trade or professional institution, or institution of
18 higher learning.

19 (f) "Out-of-state employee" means any arsonist, as defined
20 in this Section, who works in Illinois, regardless of whether
21 the individual receives payment for services performed, for a
22 period of time of 10 or more days or for an aggregate period of
23 time of 30 or more days during any calendar year. Persons who
24 operate motor vehicles in the State accrue one day of
25 employment time for any portion of a day spent in Illinois.

26 (g) "I-CLEAR" means the Illinois Citizens and Law

1 Enforcement Analysis and Reporting System.

2 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
3 revised 12-10-14.)

4 (730 ILCS 148/65)

5 Sec. 65. Penalty. Any person who is required to register
6 under this Act who violates any of the provisions of this Act
7 and any person who is required to register under this Act who
8 seeks to change his or her name under Article XXI ~~21~~ of the
9 Code of Civil Procedure is guilty of a Class 4 felony. Any
10 person who is required to register under this Act who knowingly
11 or wilfully gives material information required by this Act
12 that is false is guilty of a Class 3 felony. Any person
13 convicted of a violation of any provision of this Act shall, in
14 addition to any other penalty required by law, be required to
15 serve a minimum period of 7 days confinement in the local
16 county jail. The court shall impose a mandatory minimum fine of
17 \$500 for failure to comply with any provision of this Act.
18 These fines shall be deposited in the Arsonist Registration
19 Fund. An arsonist who violates any provision of this Act may be
20 tried in any Illinois county where the arsonist can be located.
21 (Source: P.A. 93-949, eff. 1-1-05; revised 12-10-14.)

22 Section 525. The Sex Offender Registration Act is amended
23 by changing Section 10 as follows:

1 (730 ILCS 150/10) (from Ch. 38, par. 230)

2 Sec. 10. Penalty.

3 (a) Any person who is required to register under this
4 Article who violates any of the provisions of this Article and
5 any person who is required to register under this Article who
6 seeks to change his or her name under Article XXI ~~21~~ of the
7 Code of Civil Procedure is guilty of a Class 3 felony. Any
8 person who is convicted for a violation of this Act for a
9 second or subsequent time is guilty of a Class 2 felony. Any
10 person who is required to register under this Article who
11 knowingly or wilfully gives material information required by
12 this Article that is false is guilty of a Class 3 felony. Any
13 person convicted of a violation of any provision of this
14 Article shall, in addition to any other penalty required by
15 law, be required to serve a minimum period of 7 days
16 confinement in the local county jail. The court shall impose a
17 mandatory minimum fine of \$500 for failure to comply with any
18 provision of this Article. These fines shall be deposited in
19 the Sex Offender Registration Fund. Any sex offender, as
20 defined in Section 2 of this Act, or sexual predator who
21 violates any provision of this Article may be arrested and
22 tried in any Illinois county where the sex offender can be
23 located. The local police department or sheriff's office is not
24 required to determine whether the person is living within its
25 jurisdiction.

26 (b) Any person, not covered by privilege under Part 8 of

1 Article VIII of the Code of Civil Procedure or the Illinois
2 Supreme Court's Rules of Professional Conduct, who has reason
3 to believe that a sexual predator is not complying, or has not
4 complied, with the requirements of this Article and who, with
5 the intent to assist the sexual predator in eluding a law
6 enforcement agency that is seeking to find the sexual predator
7 to question the sexual predator about, or to arrest the sexual
8 predator for, his or her noncompliance with the requirements of
9 this Article is guilty of a Class 3 felony if he or she:

10 (1) provides false information to the law enforcement
11 agency having jurisdiction about the sexual predator's
12 noncompliance with the requirements of this Article, and,
13 if known, the whereabouts of the sexual predator;

14 (2) harbors, or attempts to harbor, or assists another
15 person in harboring or attempting to harbor, the sexual
16 predator; or

17 (3) conceals or attempts to conceal, or assists another
18 person in concealing or attempting to conceal, the sexual
19 predator.

20 (c) Subsection (b) does not apply if the sexual predator is
21 incarcerated in or is in the custody of a State correctional
22 facility, a private correctional facility, a county or
23 municipal jail, a State mental health facility or a State
24 treatment and detention facility, or a federal correctional
25 facility.

26 (d) Subsections (a) and (b) do not apply if the sex

1 offender accurately registered his or her Internet protocol
2 address under this Act, and the address subsequently changed
3 without his or her knowledge or intent.

4 (Source: P.A. 94-168, eff. 1-1-06; 94-988, eff. 1-1-07; 95-579,
5 eff. 6-1-08; revised 12-10-14.)

6 Section 530. The Murderer and Violent Offender Against
7 Youth Registration Act is amended by changing Section 60 as
8 follows:

9 (730 ILCS 154/60)

10 Sec. 60. Penalty. Any person who is required to register
11 under this Act who violates any of the provisions of this Act
12 and any person who is required to register under this Act who
13 seeks to change his or her name under Article XXI ~~21~~ of the
14 Code of Civil Procedure is guilty of a Class 3 felony. Any
15 person who is convicted for a violation of this Act for a
16 second or subsequent time is guilty of a Class 2 felony. Any
17 person who is required to register under this Act who knowingly
18 or wilfully gives material information required by this Act
19 that is false is guilty of a Class 3 felony. Any person
20 convicted of a violation of any provision of this Act shall, in
21 addition to any other penalty required by law, be required to
22 serve a minimum period of 7 days confinement in the local
23 county jail. The court shall impose a mandatory minimum fine of
24 \$500 for failure to comply with any provision of this Act.

1 These fines shall be deposited into the Murderer and Violent
2 Offender Against Youth Registration Fund. Any violent offender
3 against youth who violates any provision of this Act may be
4 arrested and tried in any Illinois county where the violent
5 offender against youth can be located. The local police
6 department or sheriff's office is not required to determine
7 whether the person is living within its jurisdiction.

8 (Source: P.A. 97-154, eff. 1-1-12; revised 12-10-14.)

9 Section 535. The Code of Civil Procedure is amended by
10 changing Sections 8-802 and 12-705 as follows:

11 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

12 Sec. 8-802. Physician and patient. No physician or surgeon
13 shall be permitted to disclose any information he or she may
14 have acquired in attending any patient in a professional
15 character, necessary to enable him or her professionally to
16 serve the patient, except only (1) in trials for homicide when
17 the disclosure relates directly to the fact or immediate
18 circumstances of the homicide, (2) in actions, civil or
19 criminal, against the physician for malpractice, (3) with the
20 expressed consent of the patient, or in case of his or her
21 death or disability, of his or her personal representative or
22 other person authorized to sue for personal injury or of the
23 beneficiary of an insurance policy on his or her life, health,
24 or physical condition, or as authorized by Section 8-2001.5,

1 (4) in all actions brought by or against the patient, his or
2 her personal representative, a beneficiary under a policy of
3 insurance, or the executor or administrator of his or her
4 estate wherein the patient's physical or mental condition is an
5 issue, (5) upon an issue as to the validity of a document as a
6 will of the patient, (6) in any criminal action where the
7 charge is either first degree murder by abortion, attempted
8 abortion or abortion, (7) in actions, civil or criminal,
9 arising from the filing of a report in compliance with the
10 Abused and Neglected Child Reporting Act, (8) to any
11 department, agency, institution or facility which has custody
12 of the patient pursuant to State statute or any court order of
13 commitment, (9) in prosecutions where written results of blood
14 alcohol tests are admissible pursuant to Section 11-501.4 of
15 the Illinois Vehicle Code, (10) in prosecutions where written
16 results of blood alcohol tests are admissible under Section
17 5-11a of the Boat Registration and Safety Act, (11) in criminal
18 actions arising from the filing of a report of suspected
19 terrorist offense in compliance with Section 29D-10(p)(7) of
20 the Criminal Code of 2012, (12) upon the issuance of a subpoena
21 pursuant to Section 38 of the Medical Practice Act of 1987; the
22 issuance of a subpoena pursuant to Section 25.1 of the Illinois
23 Dental Practice Act; the issuance of a subpoena pursuant to
24 Section 22 of the Nursing Home Administrators Licensing and
25 Disciplinary Act; or the issuance of a subpoena pursuant to
26 Section 25.5 of the Workers' Compensation Act, ~~or~~ (13) upon

1 the issuance of a grand jury subpoena pursuant to Article 112
2 of the Code of Criminal Procedure of 1963~~+~~, or (14) ~~(13)~~ to or
3 through a health information exchange, as that term is defined
4 in Section 2 of the Mental Health and Developmental
5 Disabilities Confidentiality Act, in accordance with State or
6 federal law.

7 Upon disclosure under item (13) of this Section, in any
8 criminal action where the charge is domestic battery,
9 aggravated domestic battery, or an offense under Article 11 of
10 the Criminal Code of 2012 or where the patient is under the age
11 of 18 years or upon the request of the patient, the State's
12 Attorney shall petition the court for a protective order
13 pursuant to Supreme Court Rule 415.

14 In the event of a conflict between the application of this
15 Section and the Mental Health and Developmental Disabilities
16 Confidentiality Act to a specific situation, the provisions of
17 the Mental Health and Developmental Disabilities
18 Confidentiality Act shall control.

19 (Source: P.A. 97-18, eff. 6-28-11; 97-623, eff. 11-23-11;
20 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13; 98-954, eff.
21 1-1-15; 98-1046, eff. 1-1-15; revised 10-2-14.)

22 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

23 Sec. 12-705. Summons.

24 (a) Summons shall be returnable not less than 21 nor more
25 than 30 days after the date of issuance. Summons with 4 copies

1 of the interrogatories shall be served and returned as in other
2 civil cases. If the garnishee is served with summons less than
3 10 days prior to the return date, the court shall continue the
4 case to a new return date 14 days after the return date stated
5 on the summons. The summons shall be in a form consistent with
6 local court rules. The summons shall be accompanied by a copy
7 of the underlying judgment or a certification by the clerk of
8 the court that entered the judgment, or by the attorney for the
9 judgment creditor, setting forth the amount of the judgment,
10 the name of the court and the number of the case and one copy of
11 a garnishment notice in substantially the following form:

12 "GARNISHMENT NOTICE

13 (Name and address of Court)

14 Name of Case: (Name of Judgment Creditor),

15 Judgment Creditor v.

16 (Name of Judgment ~~Judgement~~ Debtor),

17 Judgment Debtor.

18 Address of Judgment Debtor: (Insert last known address)

19 Name and address of Attorney for Judgment

20 Creditor or of Judgment Creditor (If no

21 attorney is listed): (Insert name and address)

22 Amount of Judgment: \$(Insert amount)

23 Name of Garnishee: (Insert name)

24 Return Date: (Insert return date specified in summons)

25 NOTICE: The court has issued a garnishment summons against
26 the garnishee named above for money or property (other than

1 wages) belonging to the judgment debtor or in which the
2 judgment debtor has an interest. The garnishment summons was
3 issued on the basis of a judgment against the judgment debtor
4 in favor of the judgment creditor in the amount stated above.

5 The amount of money or property (other than wages) that may
6 be garnished is limited by federal and Illinois law. The
7 judgment debtor has the right to assert statutory exemptions
8 against certain money or property of the judgment debtor which
9 may not be used to satisfy the judgment in the amount stated
10 above.

11 Under Illinois or federal law, the exemptions of personal
12 property owned by the debtor include the debtor's equity
13 interest, not to exceed \$4,000 in value, in any personal
14 property as chosen by the debtor; Social Security and SSI
15 benefits; public assistance benefits; unemployment
16 compensation benefits; workers' compensation benefits;
17 veterans' benefits; circuit breaker property tax relief
18 benefits; the debtor's equity interest, not to exceed \$2,400 in
19 value, in any one motor vehicle, and the debtor's equity
20 interest, not to exceed \$1,500 in value, in any implements,
21 professional books or tools of the trade of the debtor.

22 The judgment debtor may have other possible exemptions from
23 garnishment under the law.

24 The judgment debtor has the right to request a hearing
25 before the court to dispute the garnishment or to declare
26 exempt from garnishment certain money or property or both. To

1 obtain a hearing in counties with a population of 1,000,000 or
2 more, the judgment debtor must notify the Clerk of the Court in
3 person and in writing at (insert address of Clerk) before the
4 return date specified above or appear in court on the date and
5 time on that return date. To obtain a hearing in counties with
6 a population of less than 1,000,000, the judgment debtor must
7 notify the Clerk of the Court in writing at (insert address of
8 Clerk) on or before the return date specified above. The Clerk
9 of the Court will provide a hearing date and the necessary
10 forms that must be prepared by the judgment debtor or the
11 attorney for the judgment debtor and sent to the judgment
12 creditor and the garnishee regarding the time and location of
13 the hearing. This notice may be sent by regular first class
14 mail."

15 (b) An officer or other person authorized by law to serve
16 process shall serve the summons, interrogatories and the
17 garnishment notice required by subsection (a) of this Section
18 upon the garnishee and shall, (1) within 2 business days of the
19 service upon the garnishee, mail a copy of the garnishment
20 notice and the summons to the judgment debtor by first class
21 mail at the judgment debtor's address indicated in the
22 garnishment notice and (2) within 4 business days of the
23 service upon the garnishee file with the clerk of the court a
24 certificate of mailing in substantially the following form:

25 "CERTIFICATE OF MAILING

26 I hereby certify that, within 2 business days of service

1 upon the garnishee of the garnishment summons, interrogatories
 2 and garnishment notice, I served upon the judgment debtor in
 3 this cause a copy of the garnishment summons and garnishment
 4 notice by first class mail to the judgment debtor's address as
 5 indicated in the garnishment notice.

6 Date:.....

7 Signature"

8 In the case of service of the summons for garnishment upon
 9 the garnishee by certified or registered mail, as provided in
 10 subsection (c) of this Section, no sooner than 2 business days
 11 nor later than 4 business days after the date of mailing, the
 12 clerk shall mail a copy of the garnishment notice and the
 13 summons to the judgment debtor by first class mail at the
 14 judgment debtor's address indicated in the garnishment notice,
 15 shall prepare the Certificate of Mailing described by this
 16 subsection, and shall include the Certificate of Mailing in a
 17 permanent record.

18 (c) In a county with a population of less than 1,000,000,
 19 unless otherwise provided by circuit court rule, at the request
 20 of the judgment creditor or his or her attorney and instead of
 21 personal service, service of a summons for garnishment may be
 22 made as follows:

23 (1) For each garnishee to be served, the judgment
 24 creditor or his or her attorney shall pay to the clerk of
 25 the court a fee of \$2, plus the cost of mailing, and
 26 furnish to the clerk an original and 2 copies of a summons,

1 an original and one copy of the interrogatories, an
2 affidavit setting forth the garnishee's mailing address,
3 an original and 2 copies of the garnishment notice required
4 by subsection (a) of this Section, and a copy of the
5 judgment or certification described in subsection (a) of
6 this Section. The original judgment shall be retained by
7 the clerk.

8 (2) The clerk shall mail to the garnishee, at the
9 address appearing in the affidavit, the copy of the
10 judgment or certification described in subsection (a) of
11 this Section, the summons, the interrogatories, and the
12 garnishment notice required by subsection (a) of this
13 Section, by certified or registered mail, return receipt
14 requested, showing to whom delivered and the date and
15 address of delivery. This Mailing shall be mailed on a
16 "restricted delivery" basis when service is directed to a
17 natural person. The envelope and return receipt shall bear
18 the return address of the clerk, and the return receipt
19 shall be stamped with the docket number of the case. The
20 receipt for certified or registered mail shall state the
21 name and address of the addressee, the date of the mailing,
22 shall identify the documents mailed, and shall be attached
23 to the original summons.

24 (3) The return receipt must be attached to the original
25 summons and, if it shows delivery at least 10 days before
26 the day for the return date, shall constitute proof of

1 service of any documents identified on the return receipt
2 as having been mailed.

3 (4) The clerk shall note the fact of service in a
4 permanent record.

5 (d) The garnishment summons may be served and returned in
6 the manner provided by Supreme Court Rule for service,
7 otherwise than by publication, of a notice for additional
8 relief upon a party in default.

9 (Source: P.A. 98-557, eff. 1-1-14; revised 12-10-14.)

10 Section 540. The Eminent Domain Act is amended by changing
11 setting forth and renumbering multiple versions of Section
12 25-5-55 as follows:

13 (735 ILCS 30/25-5-55)

14 Sec. 25-5-55. Quick-take; McHenry County. Quick-take
15 proceedings under Article 20 may be used for a period of no
16 longer than one year from the effective date of this amendatory
17 Act of the 98th General Assembly by McHenry County for the
18 acquisition of the following described property for the purpose
19 of reconstruction of the intersection of Miller Road and
20 Illinois Route 31:

21 Route: Illinois State Route 31

22 Section: Section 09-00372-00-PW

23 County: McHenry County

1 Job No.: R-91-020-06
2 Parcel: 0003
3 Sta. 119+70.41 To Sta. 136+74.99
4 Owner: Parkway Bank and Trust
5 Company as Trustee under Trust
6 Agreement dated October 25, 1988
7 known as trust No. 9052
8 Index No. 14-02-100-002, 14-02- 100-051

9 A part of the Northwest Quarter of Section 2, Township 44
10 North, Range 8 East of the Third Principal Meridian, in McHenry
11 County, Illinois, described as follows:

12 Commencing at the southwest corner of said Northwest Quarter;
13 thence North 0 degrees 40 minutes 30 seconds East, (bearings
14 based on Illinois State Plane Coordinates East Zone 1983 Datum)
15 along the west line of said Northwest Quarter, 33.01 feet;
16 thence North 89 degrees 27 minutes 02 seconds East along a line
17 parallel with and 33.00 feet north of the south line of said
18 Northwest Quarter, 633.53 feet to the Point of Beginning;
19 thence North 47 degrees 43 minutes 11 seconds East, 76.04 feet;
20 thence Northeasterly 892.04 feet along a curve to the left
21 having a radius of 5900.00 feet, the chord of said curve bears
22 North 03 degrees 13 minutes 38 seconds East, a chord distance
23 of 891.20 feet; thence North 01 degrees 06 minutes 15 seconds
24 West, 737.81 feet; thence North 88 degrees 52 minutes 57

1 seconds East, 60.00 feet to a point on the westerly line of
2 Illinois State Route 31 as dedicated per Book 12 of
3 Miscellaneous Records, pages 200, 201 and 203; thence South 01
4 degrees 06 minutes 15 seconds East along said westerly line,
5 405.84 feet; thence South 01 degrees 00 minutes 45 seconds West
6 along said westerly line, 135.20 feet; thence South 02 degrees
7 50 minutes 15 seconds East along said westerly line, 165.10
8 feet; thence South 01 degrees 06 minutes 15 seconds East along
9 said westerly line, 407.00 feet; thence Southwesterly 567.07
10 feet along said westerly line, said line being a curve to the
11 right having a radius of 3779.83 feet, the chord of said curve
12 bears South 03 degrees 11 minutes 37 seconds West, a chord
13 distance of 566.54 feet to point on a line parallel with and
14 33.00 feet north of the south line of said Northwest Quarter;
15 thence South 89 degrees 27 minutes 02 seconds West along a line
16 parallel with and 33.00 feet north of the south line of said
17 Northwest Quarter, 142.09 feet to the Point of Beginning in
18 McHenry County, Illinois.

19 Said parcel containing 116,716 square feet (2.679 acres) more
20 or less.

21 Route: Bull Valley Road

22 Section: Section 09-00372-00-PW

23 County: McHenry County

24 Job No.: R-91-020-06

1 Parcel: 0003TE
2 Sta. 531+73.39 To Sta. 532+82.90
3 Owner: Parkway Bank and Trust
4 Company as Trustee under Trust
5 Agreement dated October 25, 1988
6 known as trust No. 9052
7 Index No. 14-02-100-002

8 A part of the Southwest Quarter of the Northwest Quarter of
9 Section 2, Township 44 North, Range 8 East of the Third
10 Principal Meridian, in McHenry County, Illinois, described as
11 follows:

12 Commencing at the southwest corner of said Southwest Quarter;
13 thence North 00 degrees 40 minutes 30 seconds East, (bearings
14 based on Illinois State Plane Coordinates East Zone 1983 Datum)
15 along the west line of said Southwest Quarter, 33.01 feet;
16 thence North 89 degrees 27 minutes 02 seconds East along a line
17 parallel with and 33.00 feet north of the south line of said
18 Southwest Quarter, 540.42 feet to the Point of Beginning;
19 thence North 00 degrees 33 minutes 06 seconds West, 14.95 feet;
20 thence North 89 degrees 26 minutes 54 seconds East, 109.87
21 feet; thence South 47 degrees 43 minutes 11 seconds West, 22.47
22 feet to a point on a line parallel with and 33.00 feet north of
23 the south line of said Southwest Quarter; thence South 89
24 degrees 27 minutes 02 seconds West along said line parallel

1 with and 33.00 feet north of the south line of said Southwest
2 Quarter, 93.10 feet to the Point of Beginning in McHenry
3 County, Illinois.

4 Said parcel containing 1,518 square feet (0.035 acres) more or
5 less.

6 Route: Illinois State Route 31

7 Section: Section 09-00372-00-PW

8 County: McHenry County

9 Job No.: R-91-020-06

10 Parcel: 0011

11 Sta. 124+14.14 To Sta. 124+35.35

12 Owner: Trapani, LLC, an Illinois
13 limited liability company

14 Index No. 14-02-100-050

15 A part of the Southwest Quarter of the Northwest Quarter of
16 Section 2, Township 44 North, Range 8 East of the Third
17 Principal Meridian, in McHenry County, Illinois, described as
18 follows:

19 Commencing at the northwest corner of Lot 1 in McDonalds
20 Subdivision, being a subdivision of part of the Northwest
21 Quarter of Section 2, Township 44 North, Range 8 East of the
22 Third Principal Meridian, according to the plat thereof

1 recorded December 22, 1993 as Document No. 93R80090, in McHenry
2 County, Illinois; thence Northeasterly along the easterly line
3 of Illinois State Route 31 as dedicated per Book 12 of
4 Miscellaneous Records, pages 200, 201 and 203, 206.43 feet
5 along a curve to the left having a radius of 3859.83 feet, the
6 chord of said curve bears North 2 degrees 41 minutes 29 seconds
7 East, (bearings based on Illinois State Plane Coordinates East
8 Zone 1983 Datum) a chord distance of 206.41 feet to the Point
9 of Beginning; thence continuing Northeasterly along said
10 easterly line, 21.36 feet, said line being a curve to the left
11 having a radius of 3859.83 feet, the chord of said curve bears
12 North 1 degrees 00 minutes 02 seconds East, a chord distance of
13 21.36 feet to a point the south line of a parcel of land per
14 deed recorded February 10, 2003 as Document No. 2003R0017053;
15 thence North 89 degrees 22 minutes 29 seconds East along said
16 south line, 1.04 feet; thence Southwesterly 21.41 feet along a
17 curve to the right having a radius of 6060.00 feet, the chord
18 of said curve bears South 03 degrees 47 minutes 21 seconds
19 West, a chord distance of 21.41 feet to the Point of Beginning
20 in McHenry County, Illinois.

21 Said parcel containing 11 square feet (0.000 acres) more or
22 less.

23 Route: Illinois State Route 31

24 Section: Section 09-00372-00-PW

1 County: McHenry County
2 Job No.: R-91-020-06
3 Parcel: 0011TE-1
4 Sta. 123+50.48 To Sta. 124+26.94
5 Owner: Trapani, LLC, an Illinois
6 limited liability company
7 Index No. 14-02-100-050

8 A part of the Southwest Quarter of the Northwest Quarter of
9 Section 2, Township 44 North, Range 8 East of the Third
10 Principal Meridian, in McHenry County, Illinois, described as
11 follows:

12 Commencing at the northwest corner of Lot 1 in McDonalds
13 Subdivision, being a subdivision of part of the Northwest
14 Quarter of Section 2, Township 44 North, Range 8 East of the
15 Third Principal Meridian, according to the plat thereof
16 recorded December 22, 1993 as Document No. 93R80090, in McHenry
17 County, Illinois; thence Northeasterly along the easterly line
18 of Illinois State Route 31 as dedicated per Book 12 of
19 Miscellaneous Records, pages 200, 201 and 203, 142.05 feet
20 along a curve to the left having a radius of 3859.83 feet, the
21 chord of said curve bears North 3 degrees 10 minutes 09 seconds
22 East, (bearings based on Illinois State Plane Coordinates East
23 Zone 1983 Datum) a chord distance of 142.05 feet to the Point
24 of Beginning; thence continuing Northeasterly along said

1 easterly line, 64.39 feet, said line being a curve to the left
2 having a radius of 3859.83 feet, the chord of said curve bears
3 North 1 degrees 38 minutes 13 seconds East, a chord distance of
4 64.38 feet; thence Northeasterly 12.69 feet along a curve to
5 the left having a radius of 6060.00 feet, the chord of said
6 curve bears North 03 degrees 49 minutes 49 seconds East, a
7 chord distance of 12.69 feet; thence South 89 degrees 01
8 minutes 32 seconds East, 4.46 feet; thence Southwesterly 77.18
9 feet along a curve to the right having a radius of 3864.83
10 feet, the chord of said curve bears South 01 degrees 32 minutes
11 47 seconds West, a chord distance of 77.17 feet; thence North
12 87 degrees 52 minutes 53 seconds West, 5.07 feet to the Point
13 of Beginning in McHenry County, Illinois.

14 Said parcel containing 387 square feet (0.009 acres) more or
15 less.

16 Route: Charles J. Miller Road
17 Section: Section 09-00372-00-PW
18 County: McHenry County
19 Job No.: R-91-020-06
20 Parcel: 0011TE-2
21 Sta. 537+44.77 To Sta. 538+37.59
22 Owner: Trapani, LLC, an Illinois
23 limited liability company
24 Index No. 14-02-100-050

1 A part of Lot 2, in McDonald's Subdivision, being a subdivision
2 of part of the Northwest Quarter of Section 2, Township 44
3 North, Range 8 East of the Third Principal Meridian, according
4 to the plat thereof recorded December 22, 1993 as Document No.
5 93R80090, in McHenry County, Illinois, described as follows:

6 Beginning at the southeast corner of said Lot 2; thence South
7 89 degrees 27 minutes 02 seconds West (bearings based on
8 Illinois State Plane Coordinates East Zone 1983 Datum) along
9 the south line of said Lot 2, 92.83 feet; thence North 00
10 degrees 33 minutes 02 seconds West, 33.91 feet; thence North 89
11 degrees 36 minutes 46 seconds East, 93.43 feet to a point on
12 the east line of said Lot 2; thence South 00 degrees 28 minutes
13 57 seconds West along said east line, 33.66 feet to the Point
14 of Beginning in McHenry County, Illinois.

15 Said parcel containing 3,146 square feet (0.072 acres) more or
16 less.

17 Route: Charles J. Miller Road

18 Section: Section 09-00372-00-PW

19 County: McHenry County

20 Job No.: R-91-020-06

21 Parcel: 0016

22 Sta. 538+37.74 To Sta. 539+63.26

1 Owner: Marion R. Reinwall Hoak
2 as Trustee of the Marion R.
3 Reinwall Hoak Living trust dated
4 September 15, 1998
5 Index No. 14-02-100-022

6 A part of the West Half of Government Lot 1 in the Northwest
7 Quarter of Section 2, Township 44 North, Range 8 East of the
8 Third Principal Meridian in McHenry County, Illinois,
9 described as follows:

10 Beginning at the southeast corner of said West Half of
11 Government Lot 1; thence South 89 degrees 27 minutes 02 seconds
12 West (bearings based on Illinois State Plane Coordinates East
13 Zone 1983 Datum) along the south line of said West Half of
14 Government Lot 1, 115.35 feet to the point of intersection with
15 the east line of Lot 2 in McDonald's Subdivision, being a
16 subdivision of part of the Northwest Quarter of Section 2,
17 Township 44 North, Range 8 East of the Third Principal
18 Meridian, according to the plat thereof recorded December 22,
19 1993 as Document No. 93R80090, in McHenry County, Illinois
20 extended southerly; thence North 00 degrees 28 minutes 57
21 seconds East along said east line extended southerly and along
22 said east line, 48.01 feet; thence North 89 degrees 27 minutes
23 02 seconds East, 115.36 feet to a point on the east line of
24 said West Half of Government Lot 1; thence South 00 degrees 29

1 minutes 41 seconds West along said east line, 48.01 feet to the
2 Point of Beginning in McHenry County, Illinois.

3 Said parcel containing 5,537 square feet (0.127 acres) more or
4 less, of which 0.087 acres more or less, has been previously
5 used or dedicated.

6 Route: Illinois State Route 31

7 Section: Section 09-00372-00-PW

8 County: McHenry County

9 Job No.: R-91-020-06

10 Parcel: 0017

11 Sta. 536+90.86 To Sta. 539+43.61

12 Owner: Alliance Bible Church of
13 the Christian and Missionary

14 Alliance, an Illinois not for profit
15 corporation

16 Index No. 14-02-302-005; 14-02-
17 302-004; 14-02-302-002

18 A part of Lots 4 and 5, in Smith First Addition being a
19 subdivision of the North 473.90 feet of the Northwest Quarter
20 of the Southwest Quarter of Section 2, Township 44 North, Range
21 8 East of the Third Principal Meridian, lying easterly of the
22 easterly right-of-way of State Route 31, according to the plat
23 thereof recorded in the recorder's office of McHenry County,

1 Illinois on February 16, 1973, as Document No. 586905 in
2 McHenry County, Illinois, described as follows:

3 Beginning at the northeast corner of said Lot 5; thence South
4 00 degrees 08 minutes 56 seconds West (bearings based on
5 Illinois State Plane Coordinates East Zone 1983 Datum) along
6 the east line of said Lot 5, 33.94 feet; thence Southwesterly
7 106.41 feet along a curve to the right having a radius of
8 795.00 feet, the chord of said curve bears South 85 degrees 36
9 minutes 55 seconds West, a chord distance of 106.34 feet;
10 thence South 89 degrees 26 minutes 58 seconds West, 154.36 feet
11 to a point on the west line of said Lot 4; thence North 00
12 degrees 10 minutes 27 seconds East along said west line, 41.06
13 feet to the northwest corner of said Lot 4; thence North 89
14 degrees 27 minutes 02 seconds East along the north line of said
15 Lots 4 and 5, 260.35 feet to the Point of Beginning in McHenry
16 County, Illinois.

17 Said parcel containing 10,438 square feet (0.240 acres) more or
18 less.

19 (Source: P.A. 98-852, eff. 8-1-14.)

20 (735 ILCS 30/25-5-60)

21 Sec. 25-5-60 ~~25-5-55~~. Quick-take; Village of Mundelein.
22 Quick-take proceedings under Article 20 may be used for a
23 period of no longer than one year after the effective date of

1 this amendatory Act of the 98th General Assembly by the Village
2 of Mundelein in Lake County for the acquisition of property and
3 easements, legally described below, for the purpose of widening
4 and reconstructing Hawley Street from Midlothian Road to
5 Seymour Avenue, and making other public utility improvements
6 including the construction of a bike path:

7 PIN: 10-24-423-010

8 That part of Lot 11 (as originally platted), in Western Slope
9 Subdivision of Mundelein, being a Subdivision of part of the
10 Southeast Quarter of Section 24, and of the Northeast Quarter
11 of Section 25, Township 44 North, Range 10, East of the Third
12 Principal Meridian, according to the plat thereof recorded May
13 9, 1925 as Document 257151, in Book "N" of Plats, Page 98,
14 described as follows: beginning at the Southeast corner of Lot
15 11; thence West along the South line of said Lot, 99.95 (meas.)
16 100.00 feet (rec.) to the Southwest corner of said Lot; thence
17 North along the West line of said Lot, 10.00 feet; thence
18 Southeasterly 8.51 feet to a point 6.00 feet East of and 4.00
19 feet North of the Southwest corner of said Lot; thence East
20 parallel with the South line of said Lot, 93.97 feet to the
21 East line of said Lot; thence South along said last described
22 line, 4.00 feet to the point of beginning, Lake County,
23 Illinois. 417.50 sq. ft.

1 Temporary easement:

2 That part of Lot 11 (as originally platted), in Western Slope
3 Subdivision of Mundelein, being a Subdivision of part of the
4 Southeast Quarter of Section 24, and of the Northeast Quarter
5 of Section 25, Township 44 North, Range 10, East of the Third
6 Principal Meridian, according to the plot thereof recorded May
7 9, 1925 as Document 257151, in Book "N" of Plats, Page 98,
8 described as follows: commencing at the Southwest corner of
9 said Lot 11; thence North along the West line of said Lot,
10 10.00 feet to the point of beginning; thence continuing North
11 along said last described line, 35.00 feet; thence East
12 parallel with the South line of said Lot, 10.00 feet; thence
13 South parallel with the West line of said Lot, 25.00 feet to a
14 line 20.00 feet North of and parallel with the South line of
15 said Lot; thence East along said last described line, 20.00
16 feet; thence South parallel with the West line of said Lot,
17 16.00 feet to a line 4.00 feet North of and parallel with the
18 South line of said Lot; thence West along said last described
19 line, 24.00 feet to a point 6.00 feet East of the West line of
20 said Lot; thence Northwesterly, 8.51 feet to the point of
21 beginning, in Lake County, Illinois. Containing 712.00 sq. ft.

22 PIN: 10-24-423-011

23 The South 4.00 feet of Lot 10 (as originally platted), in
24 Western Slope Subdivision of Mundelein, being a Subdivision of

1 part of the Southeast Quarter of Section 24, and of the
2 Northeast Quarter of Section 25, Township 44 North, Range 10,
3 East of the Third Principal Meridian, according to the plat
4 thereof recorded May 9, 1925 as Document 257151, in Book "N" of
5 Plats, Page 98, Lake County, Illinois. 400.00 sq. ft.

6 PIN: 10-24-423-013

7 The South 4.00 feet of Lot 8 (as originally platted), in
8 Western Slope Subdivision of Mundelein, being a Subdivision of
9 part of the Southeast Quarter of Section 24, and of the
10 Northeast Quarter of Section 25, Township 44 North, Range 10,
11 East of the Third Principal Meridian, according to the plat
12 thereof recorded May 9, 1925 as Document 257151, in Book "N" of
13 Plats, Page 98, Lake County, Illinois. 400.00 sq. ft.

14 PIN: 10-24-423-016

15 The South 7.00 feet of Lot 5 (as originally platted), in
16 Western Slope Subdivision of Mundelein, being a Subdivision of
17 part of the Southeast Quarter of Section 24, and of the
18 Northeast Quarter of Section 25, Township 44 North, Range 10,
19 East of the Third Principal Meridian, according to the plat
20 thereof recorded May 9, 1925 as Document 257151, in Book "N" of
21 Plats, Page 98, Lake County, Illinois. 700.00 sq. ft.

1 Temporary Easement:

2 That part of Lot 5 (as originally platted), in Western Slope
3 Subdivision of Mundelein, being a Subdivision of part of the
4 Southeast Quarter of Section 24, and of the Northeast Quarter
5 of Section 25, Township 44 North, Range 10, East of the Third
6 Principal Meridian, according to the plat thereof recorded May
7 9, 1925 as Document 257151, in Book "N" of Plats, Page 98,
8 described as follows: commencing at the Southeast corner of
9 said Lot 5; thence North along the East line of said Lot, 7.00
10 feet to the point of beginning; thence West parallel with the
11 South line of said Lot, 100.00 feet to the West line of said
12 Lot; thence North along said last described line, 5.00 feet;
13 thence East parallel with the South line of said Lot, 52.00
14 feet; thence North parallel with the West line of said Lot,
15 22.50 feet; thence East parallel with the South line of said
16 Lot, 14.50 feet; thence North parallel with the West line of
17 said Lot, 5.20 feet; thence East parallel with the South line
18 of said Lot, 33.50 feet to the East line of said Lot; thence
19 South along the last described line, 32.70 feet to the point of
20 beginning, in Lake County, Illinois. 1754.20 sq. ft.

21 PIN: 10-24-423-018

22 The South 13.50 feet of Lot 3 (as originally platted), in
23 Western Slope Subdivision of Mundelein, being a Subdivision of
24 part of the Southeast Quarter of Section 24, and of the

1 Northeast Quarter of Section 25, Township 44 North, Range 10,
2 East of the Third Principal Meridian, according to the plat
3 thereof recorded May 9, 1925 as Document 257151, in Book "N" of
4 Plats, Page 98, Lake County, Illinois. 1350.00 sq. ft.

5 Temporary Easement:

6 That part of Lot 3 (as originally platted), in Western Slope
7 Subdivision of Mundelein, being a Subdivision of part of the
8 Southeast Quarter of Section 24, and of the Northeast Quarter
9 of Section 25, Township 44 North, Range 10, East of the Third
10 Principal Meridian, according to the plat thereof recorded May
11 9, 1925 as Document 257151, in Book "N" of Plats, Page 98,
12 described as follows: commencing at the Southeast corner of
13 said Lot 3; thence North along the East line of said Lot, 13.50
14 feet to the point of beginning; thence West parallel with the
15 South line of said Lot, 100.00 feet to the West line of said
16 Lot; thence North along said last described line, 10.00 feet;
17 thence East parallel with the South line of said Lot, 45.00
18 feet; thence North parallel with the West line of said Lot,
19 30.00 feet; thence East parallel with the South line of said
20 Lot, 34.00 feet; thence South parallel with the West line of
21 said Lot, 30.00 feet; thence East parallel with the South line
22 of said Lot, 21.00 feet to the East line of said Lot; thence
23 South along the last described line, 10.00 feet to the point of
24 beginning, in Lake County, Illinois. 2020.00 sq. ft.

1 PIN: 10-24-423-019

2 The South 13.50 feet of Lot 2 (as originally platted), in
3 Western Slope Subdivision of Mundelein, being a Subdivision of
4 part of the Southeast Quarter of Section 24, and of the
5 Northeast Quarter of Section 25, Township 44 North, Range 10,
6 East of the Third Principal Meridian, according to the plat
7 thereof recorded May 9, 1925 as Document 257151, in Book "N" of
8 Plats, Page 98, Lake County, Illinois. 1350.00 sq. ft.

9 PIN: 10-24-423-021

10 The South 13.50 feet of a tract of land described as Lot 1 (as
11 originally platted), (except that part taken for highway per
12 Document No. 2242325 and 2242326), in Western Slope Subdivision
13 of Mundelein, being a Subdivision of part of the Southeast
14 Quarter of Section 24, and of the Northeast Quarter of Section
15 25, Township 44 North, Range 10, East of the Third Principal
16 Meridian, according to the plat thereof recorded May 9, 1925 as
17 Document 257151, in Book "N" of Plats, Page 98, Lake County,
18 Illinois. 1040.30 sq. ft.

19 PIN: 10-25-205-003

20 Temporary Easement:

21 That part of Lot 44 (as originally platted), in Western Slope

1 Subdivision of Mundelein, being a Subdivision of part of the
2 Southeast Quarter of Section 24, and of the Northeast Quarter
3 of Section 25, Township 44 North, Range 10, East of the Third
4 Principal Meridian, according to the plat thereof recorded May
5 9, 1925 as Document 257151 in Book "N" of Plats, Page 98,
6 described as follows: commencing at the Northeast corner of
7 said Lot 44; thence South along the East line of said Lot, 5.00
8 feet; thence West parallel with the North line of said Lot,
9 34.00 feet; thence South parallel with the East line of said
10 Lot, 5.00 feet; thence West parallel with the North line of
11 said Lot, 16.00 feet to the West line of said Lot; thence North
12 along said last described Lot, 10.00 feet to the Northwest
13 corner of said lot; thence East along the North line of said
14 lot, 50.00 feet to the point of beginning, in Lake County,
15 Illinois. Containing 331.00 sq. ft.

16 PIN: 10-25-205-004

17 Temporary Easement:

18 The North 10.00 feet (except the South 5.00 feet of the West
19 24.00 feet and the South 5.00 feet of the East 3.00 feet
20 thereof) of Lot 45 (as originally platted), in Western Slope
21 Subdivision of Mundelein, being a Subdivision of part of the
22 Southeast Quarter of Section 24, and of the Northeast Quarter
23 of Section 25, Township 44 North, Range 10, East of the Third
24 Principal Meridian, according to the plat thereof recorded May

1 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake
2 County, Illinois. Containing 365.40 sq. ft.

3 PIN: 10-25-205-005

4 Temporary Easement:

5 The North 5.00 feet of Lot 46 (as originally platted), in
6 Western Slope Subdivision of Mundelein, being a Subdivision of
7 part of the Southeast Quarter of Section 24, and of the
8 Northeast Quarter of Section 25, Township 44 North, Range 10,
9 East of the Third Principal Meridian, according to the plat
10 thereof recorded May 9, 1925 as Document 257151, in Book "N" of
11 Plats, Page 98, Lake County, Illinois. 250.00 sq. ft.

12 PIN: 10-25-206-003

13 Temporary Easement:

14 The North 5.00 feet of Lot 60 (as originally platted), in
15 Western Slope Subdivision of Mundelein, being a Subdivision of
16 part of the Southeast Quarter of Section 24, and of the
17 Northeast Quarter of Section 25, Township 44 North, Range 10,
18 East of the Third Principal Meridian, according to the plat
19 thereof recorded May 9, 1925 as Document 257151, in Book "N" of
20 Plats, Page 98, in Lake County, Illinois. 250.00 sq. ft.

21 PIN: 11-30-101-004

1 Temporary Easement:

2 The North 5.00 feet of the East 30.00 feet of a tract of land
3 described as the West 75.00 feet of Lots 1 and 2, in Block 1 of
4 Hammond's Addition to Rockefeller, being a Subdivision of part
5 of Lot 2 of the Northwest Quarter of Section 30, Township 44
6 North, Range 11 East of the Third Principal Meridian, according
7 to the plat thereof recorded April 2, 1895 as Document No.
8 61511, in Book "D" of Plats, Page 24, in Lake County, Illinois.
9 150.00 sq. ft.

10 PIN: 11-30-120-001

11 That part of Lot 1 in Hawley Commons, being a subdivision of
12 part of the Northwest Quarter of Section 30, Township 44 North,
13 Range 11 East, of the Third Principal Meridian according to the
14 plat thereof recorded October 8, 1999 as Document No. 4432301,
15 and described as follows: Beginning at the Northwest corner of
16 Lot 1; thence South along the West line of said Lot 1, 17.00
17 feet; thence Northeasterly 23.91 feet to a point 17.00 feet
18 East of the point of beginning and on the North line of said
19 Lot 1; thence West along the North line of Lot 1, 17.00 feet to
20 the point of beginning, in Lake County, Illinois. Containing
21 144.50 sq. ft.

22 PIN: 10-24-314-036

1 That part of Lot 14 in Block 2 in Mundelein Home Crest
2 Subdivision of the Northeast Quarter of the Northwest Quarter
3 of Section 25 and part of the East Half of the Southwest
4 Quarter of Section 24, all in Township 44 North, Range 10 East
5 of the Third Principal Meridian, according to the plat thereof
6 recorded June 4, 1926 as Document No. 280148 in Book "P" of
7 Plats, Pages 62 and 63, described as lying Southeasterly of a
8 curve concave Northwesterly having a radius of 45.00 feet and
9 being tangent to the East and South lines of said Lot 14, in
10 Lake County, Illinois. 445.10 sq. ft.

11 (Source: P.A. 98-1070, eff. 8-26-14; revised 10-20-14.)

12 Section 545. The Controlled Substance and Cannabis
13 Nuisance Act is amended by changing Section 3 as follows:

14 (740 ILCS 40/3) (from Ch. 100 1/2, par. 16)

15 Sec. 3. (a) The Department or the State's Attorney or any
16 citizen of the county in which a nuisance exists may file a
17 complaint in the name of the People of the State of Illinois,
18 to enjoin all persons from maintaining or permitting such
19 nuisance, to abate the same and to enjoin the use of any such
20 place for the period of one year.

21 (b) Upon the filing of a complaint by the State's Attorney
22 or the Department in which the complaint states that
23 irreparable injury, loss or damage will result to the People of

1 the State of Illinois, the court shall enter a temporary
2 restraining order without notice enjoining the maintenance of
3 such nuisance, upon testimony under oath, affidavit, or
4 verified complaint containing facts sufficient, if sustained,
5 to justify the court in entering a preliminary injunction upon
6 a hearing after notice. Every such temporary restraining order
7 entered without notice shall be endorsed with the date and hour
8 of entry of the order, shall be filed of record, and shall
9 expire by its terms within such time after entry, not to exceed
10 10 days as fixed by the court, unless the temporary restraining
11 order, for good cause, is extended for a like period or unless
12 the party against whom the order is directed consents that it
13 may be extended for a longer period. The reason for extension
14 shall be shown in the order. In case a temporary restraining
15 order is entered without notice, the motion for a permanent
16 injunction shall be set down for hearing at the earliest
17 possible time and takes precedence over all matters except
18 older matters of the same character, and when the motion comes
19 on for hearing, the Department or State's Attorney, as the case
20 may be, shall proceed with the application for a permanent
21 injunction, and, if he does not do so, the court shall dissolve
22 the temporary restraining order. On 2 days' ~~days~~ notice to the
23 Department or State's Attorney, as the case may be, the
24 defendant may appear and move the dissolution or modification
25 of such temporary restraining order and in that event the court
26 shall proceed to hear and determine such motion as

1 expeditiously as the ends of justice require.

2 (c) Upon the filing of the complaint by a citizen or the
3 Department or the State's Attorney (in cases in which the
4 Department or State's Attorney does ~~do~~ not request injunctive
5 relief without notice) in the circuit court, the court, if
6 satisfied that the nuisance complained of exists, shall allow a
7 temporary restraining order, with bond unless the application
8 is filed by the Department or State's Attorney, in such amount
9 as the court may determine, enjoining the defendant from
10 maintaining any such nuisance within the jurisdiction of the
11 court granting the injunctive relief. However, no such
12 injunctive relief shall be granted, except on behalf of an
13 owner or agent, unless it be made to appear to the satisfaction
14 of the court that the owner or agent of such place⁷ knew or had
15 been personally served with a notice signed by the plaintiff
16 and⁷ that such notice has been served upon such owner or such
17 agent of such place at least 5 days prior thereto, that such
18 place, specifically describing the same, was being so used,
19 naming the date or dates of its being so used, and that such
20 owner or agent had failed to abate such nuisance, or that upon
21 diligent inquiry such owner or agent could not be found for the
22 service of such preliminary notice. The lessee, if any, of such
23 place shall be made a party defendant to such petition. If the
24 property owner is a corporation and the Department or the
25 State's Attorney sends the preliminary notice to the corporate
26 address registered with the Secretary of State, such action

1 shall create a rebuttable presumption that the parties have
2 acted with due diligence and the court may grant injunctive
3 relief.

4 (d) In all cases in which the complaint is filed by a
5 citizen, such complaint shall be verified.

6 (Source: P.A. 95-503, eff. 1-1-08; revised 12-10-14.)

7 Section 550. The Mental Health and Developmental
8 Disabilities Confidentiality Act is amended by changing
9 Sections 9.2 and 10 as follows:

10 (740 ILCS 110/9.2)

11 Sec. 9.2. Interagency disclosure of recipient information.
12 For the purposes of continuity of care, the Department of Human
13 Services (as successor to the Department of Mental Health and
14 Developmental Disabilities), community agencies funded by the
15 Department of Human Services in that capacity, licensed private
16 hospitals, integrated health systems, members of an
17 interdisciplinary team, federally qualified health centers, or
18 physicians or therapists or other healthcare providers
19 licensed or certified by or receiving payments from the
20 Department of Human Services or the Department of Healthcare
21 and Family Services, State correctional facilities, juvenile
22 justice facilities, mental health facilities operated by a
23 county, mental health court professionals as defined in Section
24 10 of the Mental Health Court Treatment Act, Veterans and

1 Servicemembers Court professionals as defined in Section 10 of
2 the Veterans and Servicemembers Court Treatment Act and jails
3 and juvenile detention facilities operated by any county of
4 this State may disclose a recipient's record or communications,
5 without consent, to each other, but only for the purpose of
6 admission, treatment, planning, coordinating care, discharge,
7 or governmentally mandated public health reporting. Entities
8 shall not redisclose any personally identifiable information,
9 unless necessary for admission, treatment, planning,
10 coordinating care, discharge, or governmentally mandated
11 public health reporting ~~another setting~~. No records or
12 communications may be disclosed to a county jail or State
13 correctional facility pursuant to this Section unless the
14 Department has entered into a written agreement with the county
15 jail or State correctional facility requiring that the county
16 jail or State correctional facility adopt written policies and
17 procedures designed to ensure that the records and
18 communications are disclosed only to those persons employed by
19 or under contract to the county jail or State correctional
20 facility who are involved in the provision of mental health
21 services to inmates and that the records and communications are
22 protected from further disclosure.

23 (Source: P.A. 97-946, eff. 8-13-12; 98-378, eff. 8-16-13;
24 revised 12-10-14.)

25 (740 ILCS 110/10) (from Ch. 91 1/2, par. 810)

1 Sec. 10. (a) Except as provided herein, in any civil,
2 criminal, administrative, or legislative proceeding, or in any
3 proceeding preliminary thereto, a recipient, and a therapist on
4 behalf and in the interest of a recipient, has the privilege to
5 refuse to disclose and to prevent the disclosure of the
6 recipient's record or communications.

7 (1) Records and communications may be disclosed in a
8 civil, criminal or administrative proceeding in which the
9 recipient introduces his mental condition or any aspect of
10 his services received for such condition as an element of
11 his claim or defense, if and only to the extent the court
12 in which the proceedings have been brought, or, in the case
13 of an administrative proceeding, the court to which an
14 appeal or other action for review of an administrative
15 determination may be taken, finds, after in camera
16 examination of testimony or other evidence, that it is
17 relevant, probative, not unduly prejudicial or
18 inflammatory, and otherwise clearly admissible; that other
19 satisfactory evidence is demonstrably unsatisfactory as
20 evidence of the facts sought to be established by such
21 evidence; and that disclosure is more important to the
22 interests of substantial justice than protection from
23 injury to the therapist-recipient relationship or to the
24 recipient or other whom disclosure is likely to harm.
25 Except in a criminal proceeding in which the recipient, who
26 is accused in that proceeding, raises the defense of

1 insanity, no record or communication between a therapist
2 and a recipient shall be deemed relevant for purposes of
3 this subsection, except the fact of treatment, the cost of
4 services and the ultimate diagnosis unless the party
5 seeking disclosure of the communication clearly
6 establishes in the trial court a compelling need for its
7 production. However, for purposes of this Act, in any
8 action brought or defended under the Illinois Marriage and
9 Dissolution of Marriage Act, or in any action in which pain
10 and suffering is an element of the claim, mental condition
11 shall not be deemed to be introduced merely by making such
12 claim and shall be deemed to be introduced only if the
13 recipient or a witness on his behalf first testifies
14 concerning the record or communication.

15 (2) Records or communications may be disclosed in a
16 civil proceeding after the recipient's death when the
17 recipient's physical or mental condition has been
18 introduced as an element of a claim or defense by any party
19 claiming or defending through or as a beneficiary of the
20 recipient, provided the court finds, after in camera
21 examination of the evidence, that it is relevant,
22 probative, and otherwise clearly admissible; that other
23 satisfactory evidence is not available regarding the facts
24 sought to be established by such evidence; and that
25 disclosure is more important to the interests of
26 substantial justice than protection from any injury which

1 disclosure is likely to cause.

2 (3) In the event of a claim made or an action filed by
3 a recipient, or, following the recipient's death, by any
4 party claiming as a beneficiary of the recipient for injury
5 caused in the course of providing services to such
6 recipient, the therapist and other persons whose actions
7 are alleged to have been the cause of injury may disclose
8 pertinent records and communications to an attorney or
9 attorneys engaged to render advice about and to provide
10 representation in connection with such matter and to
11 persons working under the supervision of such attorney or
12 attorneys, and may testify as to such records or
13 communication in any administrative, judicial or discovery
14 proceeding for the purpose of preparing and presenting a
15 defense against such claim or action.

16 (4) Records and communications made to or by a
17 therapist in the course of examination ordered by a court
18 for good cause shown may, if otherwise relevant and
19 admissible, be disclosed in a civil, criminal, or
20 administrative proceeding in which the recipient is a party
21 or in appropriate pretrial proceedings, provided such
22 court has found that the recipient has been as adequately
23 and as effectively as possible informed before submitting
24 to such examination that such records and communications
25 would not be considered confidential or privileged. Such
26 records and communications shall be admissible only as to

1 issues involving the recipient's physical or mental
2 condition and only to the extent that these are germane to
3 such proceedings.

4 (5) Records and communications may be disclosed in a
5 proceeding under the Probate Act of 1975, to determine a
6 recipient's competency or need for guardianship, provided
7 that the disclosure is made only with respect to that
8 issue.

9 (6) Records and communications may be disclosed to a
10 court-appointed therapist, psychologist, or psychiatrist
11 for use in determining a person's fitness to stand trial if
12 the records were made within the 180-day period immediately
13 preceding the date of the therapist's, psychologist's or
14 psychiatrist's court appointment. These records and
15 communications shall be admissible only as to the issue of
16 the person's fitness to stand trial. Records and
17 communications may be disclosed when such are made during
18 treatment which the recipient is ordered to undergo to
19 render him fit to stand trial on a criminal charge,
20 provided that the disclosure is made only with respect to
21 the issue of fitness to stand trial.

22 (7) Records and communications of the recipient may be
23 disclosed in any civil or administrative proceeding
24 involving the validity of or benefits under a life,
25 accident, health or disability insurance policy or
26 certificate, or Health Care Service Plan Contract,

1 insuring the recipient, but only if and to the extent that
2 the recipient's mental condition, or treatment or services
3 in connection therewith, is a material element of any claim
4 or defense of any party, provided that information sought
5 or disclosed shall not be redisclosed except in connection
6 with the proceeding in which disclosure is made.

7 (8) Records or communications may be disclosed when
8 such are relevant to a matter in issue in any action
9 brought under this Act and proceedings preliminary
10 thereto, provided that any information so disclosed shall
11 not be utilized for any other purpose nor be redisclosed
12 except in connection with such action or preliminary
13 proceedings.

14 (9) Records and communications of the recipient may be
15 disclosed in investigations of and trials for homicide when
16 the disclosure relates directly to the fact or immediate
17 circumstances of the homicide.

18 (10) Records and communications of a deceased
19 recipient shall be disclosed to a coroner conducting a
20 preliminary investigation into the recipient's death under
21 Section 3-3013 of the Counties Code.

22 (11) Records and communications of a recipient shall be
23 disclosed in a proceeding where a petition or motion is
24 filed under the Juvenile Court Act of 1987 and the
25 recipient is named as a parent, guardian, or legal
26 custodian of a minor who is the subject of a petition for

1 wardship as described in Section 2-3 of that Act or a minor
2 who is the subject of a petition for wardship as described
3 in Section 2-4 of that Act alleging the minor is abused,
4 neglected, or dependent or the recipient is named as a
5 parent of a child who is the subject of a petition,
6 supplemental petition, or motion to appoint a guardian with
7 the power to consent to adoption under Section 2-29 of the
8 Juvenile Court Act of 1987.

9 (12) Records and communications of a recipient may be
10 disclosed when disclosure is necessary to collect sums or
11 receive third party payment representing charges for
12 mental health or developmental disabilities services
13 provided by a therapist or agency to a recipient; however,
14 disclosure shall be limited to information needed to pursue
15 collection, and the information so disclosed may not be
16 used for any other purposes nor may it be redisclosed
17 except in connection with collection activities. Whenever
18 records are disclosed pursuant to this subdivision (12),
19 the recipient of the records shall be advised in writing
20 that any person who discloses mental health records and
21 communications in violation of this Act may be subject to
22 civil liability pursuant to Section 15 of this Act or to
23 criminal penalties pursuant to Section 16 of this Act or
24 both.

25 (b) Before a disclosure is made under subsection (a), any
26 party to the proceeding or any other interested person may

1 request an in camera review of the record or communications to
2 be disclosed. The court or agency conducting the proceeding may
3 hold an in camera review on its own motion. When, contrary to
4 the express wish of the recipient, the therapist asserts a
5 privilege on behalf and in the interest of a recipient, the
6 court may require that the therapist, in an in camera hearing,
7 establish that disclosure is not in the best interest of the
8 recipient. The court or agency may prevent disclosure or limit
9 disclosure to the extent that other admissible evidence is
10 sufficient to establish the facts in issue. The court or agency
11 may enter such orders as may be necessary in order to protect
12 the confidentiality, privacy, and safety of the recipient or of
13 other persons. Any order to disclose or to not disclose shall
14 be considered a final order for purposes of appeal and shall be
15 subject to interlocutory appeal.

16 (c) A recipient's records and communications may be
17 disclosed to a duly authorized committee, commission or
18 subcommittee of the General Assembly which possesses subpoena
19 and hearing powers, upon a written request approved by a
20 majority vote of the committee, commission or subcommittee
21 members. The committee, commission or subcommittee may request
22 records only for the purposes of investigating or studying
23 possible violations of recipient rights. The request shall
24 state the purpose for which disclosure is sought.

25 The facility shall notify the recipient, or his guardian,
26 and therapist in writing of any disclosure request under this

1 subsection within 5 business days after such request. Such
2 notification shall also inform the recipient, or guardian, and
3 therapist of their right to object to the disclosure within 10
4 business days after receipt of the notification and shall
5 include the name, address and telephone number of the
6 committee, commission or subcommittee member or staff person
7 with whom an objection shall be filed. If no objection has been
8 filed within 15 business days after the request for disclosure,
9 the facility shall disclose the records and communications to
10 the committee, commission or subcommittee. If an objection has
11 been filed within 15 business days after the request for
12 disclosure, the facility shall disclose the records and
13 communications only after the committee, commission or
14 subcommittee has permitted the recipient, guardian or
15 therapist to present his objection in person before it and has
16 renewed its request for disclosure by a majority vote of its
17 members.

18 Disclosure under this subsection shall not occur until all
19 personally identifiable data of the recipient and provider are
20 removed from the records and communications. Disclosure under
21 this subsection shall not occur in any public proceeding.

22 (d) No party to any proceeding described under paragraphs
23 (1), (2), (3), (4), (7), or (8) of subsection (a) of this
24 Section, nor his or her attorney, shall serve a subpoena
25 seeking to obtain access to records or communications under
26 this Act unless the subpoena is accompanied by a written order

1 issued by a judge or by the written consent under Section 5 of
2 this Act of the person whose records are being sought,
3 authorizing the disclosure of the records or the issuance of
4 the subpoena. No such written order shall be issued without
5 written notice of the motion to the recipient and the treatment
6 provider. Prior to issuance of the order, each party or other
7 person entitled to notice shall be permitted an opportunity to
8 be heard pursuant to subsection (b) of this Section. In the
9 absence of the written consent under Section 5 of this Act of
10 the person whose records are being sought, no person shall
11 comply with a subpoena for records or communications under this
12 Act, unless the subpoena is accompanied by a written order
13 authorizing the issuance of the subpoena or the disclosure of
14 the records. Each subpoena issued by a court or administrative
15 agency or served on any person pursuant to this subsection (d)
16 shall include the following language: "No person shall comply
17 with a subpoena for mental health records or communications
18 pursuant to Section 10 of the Mental Health and Developmental
19 Disabilities Confidentiality Act, 740 ILCS 110/10, unless the
20 subpoena is accompanied by a written order that authorizes the
21 issuance of the subpoena and the disclosure of records or
22 communications or by the written consent under Section 5 of
23 that Act of the person whose records are being sought."

24 (e) When a person has been transported by a peace officer
25 to a mental health facility, then upon the request of a peace
26 officer, if the person is allowed to leave the mental health

1 facility within 48 hours of arrival, excluding Saturdays,
2 Sundays, and holidays, the facility director shall notify the
3 local law enforcement authority prior to the release of the
4 person. The local law enforcement authority may re-disclose the
5 information as necessary to alert the appropriate enforcement
6 or prosecuting authority.

7 (f) A recipient's records and communications shall be
8 disclosed to the Inspector General of the Department of Human
9 Services within 10 business days of a request by the Inspector
10 General (i) in the course of an investigation authorized by the
11 Department of Human Services Act and applicable rule or (ii)
12 during the course of an assessment authorized by the Abuse of
13 Adults with Disabilities Intervention Act and applicable rule.
14 The request shall be in writing and signed by the Inspector
15 General or his or her designee. The request shall state the
16 purpose for which disclosure is sought. Any person who
17 knowingly and willfully refuses to comply with such a request
18 is guilty of a Class A misdemeanor. A recipient's records and
19 communications shall also be disclosed pursuant to subsection
20 (s) ~~(g-5)~~ of Section 1-17 of the Department of Human Services
21 Act in testimony at health care worker registry hearings or
22 preliminary proceedings when such are relevant to the matter in
23 issue, provided that any information so disclosed shall not be
24 utilized for any other purpose nor be redisclosed except in
25 connection with such action or preliminary proceedings.

26 (Source: P.A. 97-566, eff. 1-1-12; 98-221, eff. 1-1-14; 98-908,

1 eff. 1-1-15; revised 12-10-14.)

2 Section 555. The Illinois Marriage and Dissolution of
3 Marriage Act is amended by changing Sections 220, 503, and 601
4 as follows:

5 (750 ILCS 5/220)

6 Sec. 220. Consent to jurisdiction. Members of a same-sex
7 couple who enter into a marriage in this State consent to the
8 jurisdiction of the courts of this State for the purpose of any
9 action relating to the marriage, even if one or both parties
10 cease to reside in this State. A court shall enter a judgment
11 of dissolution of marriage if, at the time the action is
12 commenced, it meets the grounds for dissolution of marriage set
13 forth in this Act.

14 (Source: P.A. 98-597, eff. 6-1-14; revised 12-10-14.)

15 (750 ILCS 5/503) (from Ch. 40, par. 503)

16 Sec. 503. Disposition of property.

17 (a) For purposes of this Act, "marital property" means all
18 property acquired by either spouse subsequent to the marriage,
19 except the following, which is known as "non-marital property":

20 (1) property acquired by gift, legacy or descent;

21 (2) property acquired in exchange for property
22 acquired before the marriage or in exchange for property
23 acquired by gift, legacy or descent;

1 (3) property acquired by a spouse after a judgment of
2 legal separation;

3 (4) property excluded by valid agreement of the
4 parties;

5 (5) any judgment or property obtained by judgment
6 awarded to a spouse from the other spouse;

7 (6) property acquired before the marriage;

8 (7) the increase in value of property acquired by a
9 method listed in paragraphs (1) through (6) of this
10 subsection, irrespective of whether the increase results
11 from a contribution of marital property, non-marital
12 property, the personal effort of a spouse, or otherwise,
13 subject to the right of reimbursement provided in
14 subsection (c) of this Section; and

15 (8) income from property acquired by a method listed in
16 paragraphs (1) through (7) of this subsection if the income
17 is not attributable to the personal effort of a spouse.

18 (b) (1) For purposes of distribution of property pursuant to
19 this Section, all property acquired by either spouse after the
20 marriage and before a judgment of dissolution of marriage or
21 declaration of invalidity of marriage, including non-marital
22 property transferred into some form of co-ownership between the
23 spouses, is presumed to be marital property, regardless of
24 whether title is held individually or by the spouses in some
25 form of co-ownership such as joint tenancy, tenancy in common,
26 tenancy by the entirety, or community property. The presumption

1 of marital property is overcome by a showing that the property
2 was acquired by a method listed in subsection (a) of this
3 Section.

4 (2) For purposes of distribution of property pursuant to
5 this Section, all pension benefits (including pension benefits
6 under the Illinois Pension Code) acquired by either spouse
7 after the marriage and before a judgment of dissolution of
8 marriage or declaration of invalidity of the marriage are
9 presumed to be marital property, regardless of which spouse
10 participates in the pension plan. The presumption that these
11 pension benefits are marital property is overcome by a showing
12 that the pension benefits were acquired by a method listed in
13 subsection (a) of this Section. The right to a division of
14 pension benefits in just proportions under this Section is
15 enforceable under Section 1-119 of the Illinois Pension Code.

16 The value of pension benefits in a retirement system
17 subject to the Illinois Pension Code shall be determined in
18 accordance with the valuation procedures established by the
19 retirement system.

20 The recognition of pension benefits as marital property and
21 the division of those benefits pursuant to a Qualified Illinois
22 Domestic Relations Order shall not be deemed to be a
23 diminishment, alienation, or impairment of those benefits. The
24 division of pension benefits is an allocation of property in
25 which each spouse has a species of common ownership.

26 (3) For purposes of distribution of property under this

1 Section, all stock options granted to either spouse after the
2 marriage and before a judgment of dissolution of marriage or
3 declaration of invalidity of marriage, whether vested or
4 non-vested or whether their value is ascertainable, are
5 presumed to be marital property. This presumption of marital
6 property is overcome by a showing that the stock options were
7 acquired by a method listed in subsection (a) of this Section.
8 The court shall allocate stock options between the parties at
9 the time of the judgment of dissolution of marriage or
10 declaration of invalidity of marriage recognizing that the
11 value of the stock options may not be then determinable and
12 that the actual division of the options may not occur until a
13 future date. In making the allocation between the parties, the
14 court shall consider, in addition to the factors set forth in
15 subsection (d) of this Section, the following:

16 (i) All circumstances underlying the grant of the stock
17 option including but not limited to whether the grant was
18 for past, present, or future efforts, or any combination
19 thereof.

20 (ii) The length of time from the grant of the option to
21 the time the option is exercisable.

22 (b-5) As to any policy of life insurance insuring the life
23 of either spouse, or any interest in such policy, that
24 constitutes marital property, whether whole life, term life,
25 group term life, universal life, or other form of life
26 insurance policy, and whether or not the value is

1 ascertainable, the court shall allocate ownership, death
2 benefits or the right to assign death benefits, and the
3 obligation for premium payments, if any, equitably between the
4 parties at the time of the judgment for dissolution or
5 declaration of invalidity of marriage.

6 (c) Commingled marital and non-marital property shall be
7 treated in the following manner, unless otherwise agreed by the
8 spouses:

9 (1) When marital and non-marital property are
10 commingled by contributing one estate of property into
11 another resulting in a loss of identity of the contributed
12 property, the classification of the contributed property
13 is transmuted to the estate receiving the contribution,
14 subject to the provisions of paragraph (2) of this
15 subsection; provided that if marital and non-marital
16 property are commingled into newly acquired property
17 resulting in a loss of identity of the contributing
18 estates, the commingled property shall be deemed
19 transmuted to marital property, subject to the provisions
20 of paragraph (2) of this subsection.

21 (2) When one estate of property makes a contribution to
22 another estate of property, or when a spouse contributes
23 personal effort to non-marital property, the contributing
24 estate shall be reimbursed from the estate receiving the
25 contribution notwithstanding any transmutation; provided,
26 that no such reimbursement shall be made with respect to a

1 contribution which is not retraceable by clear and
2 convincing evidence, or was a gift, or, in the case of a
3 contribution of personal effort of a spouse to non-marital
4 property, unless the effort is significant and results in
5 substantial appreciation of the non-marital property.
6 Personal effort of a spouse shall be deemed a contribution
7 by the marital estate. The court may provide for
8 reimbursement out of the marital property to be divided or
9 by imposing a lien against the non-marital property which
10 received the contribution.

11 (d) In a proceeding for dissolution of marriage or
12 declaration of invalidity of marriage, or in a proceeding for
13 disposition of property following dissolution of marriage by a
14 court which lacked personal jurisdiction over the absent spouse
15 or lacked jurisdiction to dispose of the property, the court
16 shall assign each spouse's non-marital property to that spouse.
17 It also shall divide the marital property without regard to
18 marital misconduct in just proportions considering all
19 relevant factors, including:

20 (1) the contribution of each party to the acquisition,
21 preservation, or increase or decrease in value of the
22 marital or non-marital property, including (i) any such
23 decrease attributable to a payment deemed to have been an
24 advance from the parties' marital estate under subsection
25 (c-1)(2) of Section 501 and (ii) the contribution of a
26 spouse as a homemaker or to the family unit;

1 (2) the dissipation by each party of the marital or
2 non-marital property, provided that a party's claim of
3 dissipation is subject to the following conditions:

4 (i) a notice of intent to claim dissipation shall
5 be given no later than 60 days before trial or 30 days
6 after discovery closes, whichever is later;

7 (ii) the notice of intent to claim dissipation
8 shall contain, at a minimum, a date or period of time
9 during which the marriage began undergoing an
10 irretrievable breakdown, an identification of the
11 property dissipated, and a date or period of time
12 during which the dissipation occurred;

13 (iii) the notice of intent to claim dissipation
14 shall be filed with the clerk of the court and be
15 served pursuant to applicable rules;

16 (iv) no dissipation shall be deemed to have
17 occurred prior to 5 years before the filing of the
18 petition for dissolution of marriage, or 3 years after
19 the party claiming dissipation knew or should have
20 known of the dissipation;

21 (3) the value of the property assigned to each spouse;

22 (4) the duration of the marriage;

23 (5) the relevant economic circumstances of each spouse
24 when the division of property is to become effective,
25 including the desirability of awarding the family home, or
26 the right to live therein for reasonable periods, to the

1 spouse having custody of the children;

2 (6) any obligations and rights arising from a prior
3 marriage of either party;

4 (7) any antenuptial agreement of the parties;

5 (8) the age, health, station, occupation, amount and
6 sources of income, vocational skills, employability,
7 estate, liabilities, and needs of each of the parties;

8 (9) the custodial provisions for any children;

9 (10) whether the apportionment is in lieu of or in
10 addition to maintenance;

11 (11) the reasonable opportunity of each spouse for
12 future acquisition of capital assets and income; and

13 (12) the tax consequences of the property division upon
14 the respective economic circumstances of the parties.

15 (e) Each spouse has a species of common ownership in the
16 marital property which vests at the time dissolution
17 proceedings are commenced and continues only during the
18 pendency of the action. Any such interest in marital property
19 shall not encumber that property so as to restrict its
20 transfer, assignment or conveyance by the title holder unless
21 such title holder is specifically enjoined from making such
22 transfer, assignment or conveyance.

23 (f) In a proceeding for dissolution of marriage or
24 declaration of invalidity of marriage or in a proceeding for
25 disposition of property following dissolution of marriage by a
26 court that lacked personal jurisdiction over the absent spouse

1 or lacked jurisdiction to dispose of the property, the court,
2 in determining the value of the marital and non-marital
3 property for purposes of dividing the property, shall value the
4 property as of the date of trial or some other date as close to
5 the date of trial as is practicable.

6 (g) The court if necessary to protect and promote the best
7 interests of the children may set aside a portion of the
8 jointly or separately held estates of the parties in a separate
9 fund or trust for the support, maintenance, education, physical
10 and mental health, and general welfare of any minor, dependent,
11 or incompetent child of the parties. In making a determination
12 under this subsection, the court may consider, among other
13 things, the conviction of a party of any of the offenses set
14 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
15 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,
16 12-15, or 12-16, or Section 12-3.05 except for subdivision
17 (a) (4) or (g) (1), of the Criminal Code of 1961 or the Criminal
18 Code of 2012 if the victim is a child of one or both of the
19 parties, and there is a need for, and cost of, care, healing
20 and counseling for the child who is the victim of the crime.

21 (h) Unless specifically directed by a reviewing court, or
22 upon good cause shown, the court shall not on remand consider
23 any increase or decrease in the value of any "marital" or
24 "non-marital" property occurring since the assessment of such
25 property at the original trial or hearing, but shall use only
26 that assessment made at the original trial or hearing.

1 (i) The court may make such judgments affecting the marital
2 property as may be just and may enforce such judgments by
3 ordering a sale of marital property, with proceeds therefrom to
4 be applied as determined by the court.

5 (j) After proofs have closed in the final hearing on all
6 other issues between the parties (or in conjunction with the
7 final hearing, if all parties so stipulate) and before judgment
8 is entered, a party's petition for contribution to fees and
9 costs incurred in the proceeding shall be heard and decided, in
10 accordance with the following provisions:

11 (1) A petition for contribution, if not filed before
12 the final hearing on other issues between the parties,
13 shall be filed no later than 30 days after the closing of
14 proofs in the final hearing or within such other period as
15 the court orders.

16 (2) Any award of contribution to one party from the
17 other party shall be based on the criteria for division of
18 marital property under this Section 503 and, if maintenance
19 has been awarded, on the criteria for an award of
20 maintenance under Section 504.

21 (3) The filing of a petition for contribution shall not
22 be deemed to constitute a waiver of the attorney-client
23 privilege between the petitioning party and current or
24 former counsel; and such a waiver shall not constitute a
25 prerequisite to a hearing for contribution. If either
26 party's presentation on contribution, however, includes

1 evidence within the scope of the attorney-client
2 privilege, the disclosure or disclosures shall be narrowly
3 construed and shall not be deemed by the court to
4 constitute a general waiver of the privilege as to matters
5 beyond the scope of the presentation.

6 (4) No finding on which a contribution award is based
7 or denied shall be asserted against counsel or former
8 counsel for purposes of any hearing under subsection (c) or
9 (e) of Section 508.

10 (5) A contribution award (payable to either the
11 petitioning party or the party's counsel, or jointly, as
12 the court determines) may be in the form of either a set
13 dollar amount or a percentage of fees and costs (or a
14 portion of fees and costs) to be subsequently agreed upon
15 by the petitioning party and counsel or, alternatively,
16 thereafter determined in a hearing pursuant to subsection
17 (c) of Section 508 or previously or thereafter determined
18 in an independent proceeding under subsection (e) of
19 Section 508.

20 (6) The changes to this Section 503 made by this
21 amendatory Act of 1996 apply to cases pending on or after
22 June 1, 1997, except as otherwise provided in Section 508.

23 (k) The changes made to this Section by Public Act 97-941
24 ~~this amendatory Act of the 97th General Assembly~~ apply only to
25 petitions for dissolution of marriage filed on or after January
26 1, 2013 (the effective date of Public Act 97-941) ~~this~~

1 ~~amendatory Act of the 97th General Assembly.~~

2 (Source: P.A. 96-583, eff. 1-1-10; 96-1551, Article 1, Section
3 985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff.
4 7-1-11; 97-608, eff. 1-1-12; 97-941, eff. 1-1-13; 97-1109, eff.
5 1-1-13; 97-1150, eff. 1-25-13; revised 12-10-14.)

6 (750 ILCS 5/601) (from Ch. 40, par. 601)

7 Sec. 601. Jurisdiction; Commencement of Proceeding.

8 (a) A court of this State competent to decide child custody
9 matters has jurisdiction to make a child custody determination
10 in original or modification proceedings as provided in Section
11 201 of the Uniform Child-Custody Jurisdiction and Enforcement
12 Act as adopted by this State.

13 (b) A child custody proceeding is commenced in the court:

14 (1) by a parent, by filing a petition:

15 (i) for dissolution of marriage or legal
16 separation or declaration of invalidity of marriage;
17 or

18 (ii) for custody of the child, in the county in
19 which he is permanently resident or found;

20 (2) by a person other than a parent, by filing a
21 petition for custody of the child in the county in which he
22 is permanently resident or found, but only if he is not in
23 the physical custody of one of his parents; ~~or~~

24 (3) by a stepparent, by filing a petition, if all of
25 the following circumstances are met:

1 (A) the child is at least 12 years old;

2 (B) the custodial parent and stepparent were
3 married for at least 5 years during which the child
4 resided with the parent and stepparent;

5 (C) the custodial parent is deceased or is disabled
6 and cannot perform the duties of a parent to the child;

7 (D) the stepparent provided for the care, control,
8 and welfare to the child prior to the initiation of
9 custody proceedings;

10 (E) the child wishes to live with the stepparent;
11 and

12 (F) it is alleged to be in the best interests and
13 welfare of the child to live with the stepparent as
14 provided in Section 602 of this Act; or-

15 (4) when ~~When~~ one of the parents is deceased, by a
16 grandparent who is a parent or stepparent of a deceased
17 parent, by filing a petition, if one or more of the
18 following existed at the time of the parent's death:

19 (A) the surviving parent had been absent from the
20 marital abode for more than one month without the
21 deceased spouse knowing his or her whereabouts;

22 (B) the surviving parent was in State or federal
23 custody; or

24 (C) the surviving parent had: (i) received
25 supervision for or been convicted of any violation of
26 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,

1 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
2 19-6, or Article 12 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 directed towards the deceased
4 parent or the child; or (ii) received supervision or
5 been convicted of violating an order of protection
6 entered under Section 217, 218, or 219 of the Illinois
7 Domestic Violence Act of 1986 for the protection of the
8 deceased parent or the child.

9 (c) Notice of a child custody proceeding, including an
10 action for modification of a previous custody order, shall be
11 given to the child's parents, guardian and custodian, who may
12 appear, be heard, and file a responsive pleading. The court,
13 upon showing of good cause, may permit intervention of other
14 interested parties.

15 (d) Proceedings for modification of a previous custody
16 order commenced more than 30 days following the entry of a
17 previous custody order must be initiated by serving a written
18 notice and a copy of the petition for modification upon the
19 child's parent, guardian and custodian at least 30 days prior
20 to hearing on the petition. Nothing in this Section shall
21 preclude a party in custody modification proceedings from
22 moving for a temporary order under Section 603 of this Act.

23 (e) (Blank).

24 (f) The court shall, at the court's discretion or upon the
25 request of any party entitled to petition for custody of the
26 child, appoint a guardian ad litem to represent the best

1 interest of the child for the duration of the custody
2 proceeding or for any modifications of any custody orders
3 entered. Nothing in this Section shall be construed to prevent
4 the court from appointing the same guardian ad litem for 2 or
5 more children that are siblings or half-siblings.

6 (Source: P.A. 97-1150, eff. 1-25-13; revised 12-10-14.)

7 Section 560. The Uniform Interstate Family Support Act is
8 amended by changing Section 102 as follows:

9 (750 ILCS 22/102) (was 750 ILCS 22/101)

10 Sec. 102. Definitions. In this Act:

11 "Child" means an individual, whether over or under the age
12 of 18, who is or is alleged to be owed a duty of support by the
13 individual's parent or who is or is alleged to be the
14 beneficiary of a support order directed to the parent.

15 "Child-support order" means a support order for a child,
16 including a child who has attained the age of 18.

17 "Duty of support" means an obligation imposed or imposable
18 by law to provide support for a child, spouse, or former spouse
19 including an unsatisfied obligation to provide support.

20 "Home state" means the state in which a child lived with a
21 parent or a person acting as parent for at least 6 consecutive
22 months immediately preceding the time of filing of a petition
23 or comparable pleading for support, and if a child is less than
24 6 months old, the state in which the child lived from birth

1 with any of them. A period of temporary absence of any of them
2 is counted as part of the 6-month or other period.

3 "Income" includes earnings or other periodic entitlements
4 to money from any source and any other property subject to
5 withholding for support under the law of this State.

6 "Income-withholding order" means an order or other legal
7 process directed to an obligor's employer or other debtor, as
8 defined by the Illinois Marriage and Dissolution of Marriage
9 Act, the Non-Support of Spouse and Children Act, the
10 Non-Support Punishment Act, the Illinois Public Aid Code, and
11 the Illinois Parentage Act of 1984, to withhold support from
12 the income of the obligor.

13 "Initiating state" means a state from which a proceeding is
14 forwarded or in which a proceeding is filed for forwarding to a
15 responding state under this Act or a law or procedure
16 substantially similar to this Act.

17 "Initiating tribunal" means the authorized tribunal in an
18 initiating state.

19 "Issuing state" means the state in which a tribunal issues
20 a support order or renders a judgment determining parentage.

21 "Issuing tribunal" means the tribunal that issues a support
22 order or renders a judgment determining parentage.

23 "Obligee" means:

24 (A) an individual to whom a duty of support is or is
25 alleged to be owed or in whose favor a support order has
26 been issued or a judgment determining parentage has been

1 rendered;

2 (B) a state or political subdivision to which the
3 rights under a duty of support or support order have been
4 assigned or which has independent claims based on financial
5 assistance provided to an individual obligee; or

6 (C) an individual seeking a judgment determining
7 parentage of the individual's child.

8 "Obligor" means an individual, or the estate of a decedent:

9 (i) who owes or is alleged to owe a duty of
10 support;

11 (ii) who is alleged but has not been adjudicated to
12 be a parent of a child; or

13 (iii) who is liable under a support order.

14 "Person means an individual, corporation, business trust,
15 estate, trust, partnership, limited liability company,
16 association, joint venture, government, governmental
17 subdivision, agency, instrumentality, public corporation, or
18 any other legal or commercial entity.

19 "Record" means information that is inscribed on a tangible
20 medium or that is stored in an electronic or other medium and
21 is retrievable in perceivable form.

22 "Register" means to record a support order or judgment
23 determining parentage in the appropriate Registry of Foreign
24 Support Orders.

25 "Registering tribunal" means a tribunal in which a support
26 order is registered.

1 "Responding state" means a state in which a proceeding is
2 filed or to which a proceeding is forwarded for filing from an
3 initiating state under this Act or a law or procedure
4 substantially similar to this Act.

5 "Responding tribunal" means the authorized tribunal in a
6 responding state.

7 "Spousal-support order" means a support order for a spouse
8 or former spouse of the obligor.

9 "State" means a state of the United States, the District of
10 Columbia, Puerto Rico, the United States Virgin Islands, or any
11 territory or insular possession subject to the jurisdiction of
12 the United States. The term includes:

13 (A) an Indian tribe; and

14 (B) a foreign country or political subdivision that:

15 (i) has been declared to be a foreign reciprocating
16 country or political subdivision under federal law;

17 (ii) has established a reciprocal arrangement for
18 child support with this State as provided in Section
19 308; or

20 (iii) has enacted a law or established procedures
21 for issuance and enforcement of support orders which
22 are substantially similar to the procedures under this
23 Act.

24 "Support enforcement agency" means a public official or
25 agency authorized to seek:

26 (A) enforcement of support orders or laws relating to

1 the duty of support;
2 (B) establishment or modification of child support;
3 (C) determination of parentage;
4 (D) to locate obligors or their assets; or
5 (E) determination of the controlling child support
6 order.

7 "Support order" means a judgment, decree, order, or
8 directive, whether temporary, final, or subject to
9 modification, issued by a tribunal for the benefit of a child,
10 a spouse, or a former spouse, which provides for monetary
11 support, health care, arrearages, or reimbursement, and may
12 include related costs and fees, interest, income withholding,
13 attorney's fees, and other relief.

14 "Tribunal" means a court, administrative agency, or
15 quasi-judicial entity authorized to establish, enforce, or
16 modify support orders or to determine parentage.

17 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised
18 11-26-14.)

19 Section 565. The Adoption Act is amended by changing
20 Section 18.2 as follows:

21 (750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)

22 Sec. 18.2. Forms.

23 (a) The Department shall develop the Illinois Adoption
24 Registry forms as provided in this Section. The General

1 Assembly shall reexamine the content of the form as requested
2 by the Department, in consultation with the Registry Advisory
3 Council. The form of the Birth Parent Registration
4 Identification Form shall be substantially as follows:

5 BIRTH PARENT REGISTRATION IDENTIFICATION

6 (Insert all known information)

7 I,, state that I am the (mother or father) of the
8 following child:

9 Child's original name: (first) (middle)
10 (last), (hour of birth), (date of birth),
11 (city and state of birth), (name of
12 hospital).

13 Father's full name: (first) (middle)
14 (last), (date of birth), (city and state of
15 birth).

16 Name of mother inserted on birth certificate: (first)
17 (middle) (last), (race), (date
18 of birth), (city and state of birth).

19 That I surrendered my child to: (name of agency),
20 (city and state of agency), (approximate date
21 child surrendered).

22 That I placed my child by private adoption: (date),
23 (city and state).

24 Name of adoptive parents, if known:

25 Other identifying information:

26

1 (Signature of parent)
 2
 3 (date) (printed name of parent)

4 (b) The form of the Adopted Person Registration
 5 Identification shall be substantially as follows:

6 ADOPTED PERSON
 7 REGISTRATION IDENTIFICATION
 8 (Insert all known information)

9 I,, state the following:

10 Adopted Person's present name: (first)
 11 (middle) (last).

12 Adopted Person's name at birth (if known): (first)
 13 (middle) (last), (birth date),
 14 (city and state of birth), (sex), (race).

15 Name of adoptive father: (first) (middle)
 16 (last), (race).

17 Maiden name of adoptive mother: (first)
 18 (middle) (last), (race).

19 Name of birth mother (if known): (first)
 20 (middle) (last), (race).

21 Name of birth father (if known): (first)
 22 (middle) (last), (race).

23 Name(s) at birth of sibling(s) having a common birth parent
 24 with adoptee (if known): (first) (middle)
 25 (last), (race), and name of common birth

1 parent: (first) (middle) (last),
2 (race).

3 I was adopted through: (name of agency).

4 I was adopted privately: (state "yes" if known).

5 I was adopted in (city and state), (approximate
6 date).

7 Other identifying information:

8

9 (signature of adoptee)

10

11 (date) (printed name of adoptee)

12 (c) The form of the Surrendered Person Registration
13 Identification shall be substantially as follows:

14 SURRENDERED PERSON REGISTRATION

15 IDENTIFICATION

16 (Insert all known information)

17 I,, state the following:

18 Surrendered Person's present name: (first)
19 (middle) (last).

20 Surrendered Person's name at birth (if known):
21 (first) (middle) (last),(birth
22 date), (city and state of birth), (sex),
23 (race).

24 Name of guardian father: (first) (middle)
25 (last), (race).

1 Maiden name of guardian mother: (first)
2 (middle) (last), (race).

3 Name of birth mother (if known): (first)
4 (middle) (last) (race).

5 Name of birth father (if known): (first)
6 (middle) (last),(race).

7 Name(s) at birth of sibling(s) having a common birth parent
8 with surrendered person (if known): (first)
9 (middle) (last), (race), and name of
10 common birth parent: (first) (middle)
11 (last), (race).

12 I was surrendered for adoption to: (name of agency).

13 I was surrendered for adoption in (city and state),
14 (approximate date).

15 Other identifying information:
16
17 (signature of surrendered person)
18
19 (date) (printed name of person
20 surrendered for adoption)

21 (c-3) The form of the Registration Identification Form for
22 Surviving Relatives of Deceased Birth Parents shall be
23 substantially as follows:

24 REGISTRATION IDENTIFICATION FORM
25 FOR SURVIVING RELATIVES OF DECEASED BIRTH PARENTS

1 (Insert all known information)

2 I,, state the following:

3 Name of deceased birth parent at time of surrender:

4 Deceased birth parent's date of birth:

5 Deceased birth parent's date of death:

6 Adopted or surrendered person's name at birth (if known):

7(first) (middle) (last),(birth
8 date), (city and state of birth), (sex),
9 (race).

10 My relationship to the adopted or surrendered person (check
11 one): (birth parent's non-surrendered child) (birth parent's
12 sister) (birth parent's brother).

13 If you are a non-surrendered child of the birth parent, provide
14 name(s) at birth and age(s) of non-surrendered siblings having
15 a common parent with the birth parent. If more than one
16 sibling, please give information requested below on reverse
17 side of this form. If you are a sibling or parent of the birth
18 parent, provide name(s) at birth and age(s) of the sibling(s)
19 of the birth parent. If more than one sibling, please give
20 information requested below on reverse side of this form.

21 Name (First) (middle) (last),(birth
22 date), (city and state of birth), (sex),
23 (race).

24 Name(s) of common parent(s) (first) (middle)
25 (last),(race), (first) (middle)

1 (last),(race).

2 My birth sibling/child of my brother/child of my sister/ was
3 surrendered for adoption to (name of agency) City and
4 state of agency Date(approximate) Other
5 identifying information (Please note that you must: (i)
6 be at least 21 years of age to register; (ii) submit with your
7 registration a certified copy of the birth parent's birth
8 certificate; (iii) submit a certified copy of the birth
9 parent's death certificate; and (iv) if you are a
10 non-surrendered birth sibling or a sibling of the deceased
11 birth parent, also submit a certified copy of your birth
12 certificate with this registration. No application from a
13 surviving relative of a deceased birth parent can be accepted
14 if the birth parent filed a Denial of Information Exchange
15 prior to his or her death.)

16
17 (signature of birth parent's surviving relative)

18
19 (date) (printed name of birth
20 parent's surviving relative)

21 (c-5) The form of the Registration Identification Form for
22 Surviving Relatives of Deceased Adopted or Surrendered Persons
23 shall be substantially as follows:

24 REGISTRATION IDENTIFICATION FORM FOR

1 SURVIVING RELATIVES OF DECEASED ADOPTED OR SURRENDERED PERSONS

2 (Insert all known information)

3 I,, state the following:

4 Adopted or surrendered person's name at birth (if known):

5 (first) (middle) (last),(birth

6 date), (city and state of birth), (sex),

7 (race).

8 Adopted or surrendered person's date of death:

9 My relationship to the deceased adopted or surrendered
10 person(check one): (adoptive mother) (adoptive father) (adult
11 child) (surviving spouse).

12 If you are an adult child or surviving spouse of the adopted or
13 surrendered person, provide name(s) at birth and age(s) of the
14 children of the adopted or surrendered person. If the adopted
15 or surrendered person had more than one child, please give
16 information requested below on reverse side of this form.

17 Name (first) (middle) (last),(birth

18 date), (city and state of birth), (sex),

19 (race).

20 Name(s) of common parent(s) (first) (middle)

21 (last),(race), (first) (middle)

22 (last),(race).

23 My child/parent/deceased spouse was surrendered for
24 adoption to(name of agency) City and state of agency

25 Date (approximate) Other identifying

26 information (Please note that you must: (i) be at

1 least 21 years of age to register; (ii) submit with your
 2 registration a certified copy of the adopted or surrendered
 3 person's death certificate; (iii) if you are the child of a
 4 deceased adopted or surrendered person, also submit a
 5 certified copy of your birth certificate with this
 6 registration; and (iv) if you are the surviving wife or
 7 husband of a deceased adopted or surrendered person, also
 8 submit a copy of your marriage certificate with this
 9 registration. No application from a surviving relative of a
 10 deceased adopted or surrendered person can be accepted if
 11 the adopted or surrendered person filed a Denial of
 12 Information Exchange prior to his or her death.)

13
 14 (signature of adopted or surrendered person's surviving
 15 relative)

16
 17 (date) (printed name of adopted
 18 person's surviving relative)

19 (d) The form of the Information Exchange Authorization
 20 shall be substantially as follows:

21 INFORMATION EXCHANGE AUTHORIZATION
 22 I,, state that I am the person who completed the
 23 Registration Identification; that I am of the age of

1 years; that I hereby authorize the Department of Public Health
2 to give to the following person(s) (birth mother) (birth
3 father) (birth sibling) (adopted or surrendered person)
4 (adoptive mother) (adoptive father) (legal guardian of an
5 adopted or surrendered person) (birth aunt) (birth uncle)
6 (adult child of a deceased adopted or surrendered person)
7 (surviving spouse of a deceased adopted or surrendered person)
8 (all eligible relatives) the following (please check the
9 information authorized for exchange):

10 1. Only my name and last known address.

11 2. A copy of my Illinois Adoption Registry
12 Application.

13 3. A non-certified copy of the adopted or
14 surrendered person's original certificate of live birth
15 (check only if you are an adopted or surrendered person or
16 the surviving adult child or surviving spouse of a deceased
17 adopted or surrendered person).

18 4. A copy of my completed medical questionnaire.

19 I am fully aware that I can only be supplied with
20 information about an individual or individuals who have duly
21 executed an Information Exchange Authorization that has not
22 been revoked or, if I am an adopted or surrendered person, from
23 a birth parent who completed a Birth Parent Preference Form and
24 did not prohibit the release of his or her identity to me; that
25 I can be contacted by writing to: (own name or name of
26 person to contact) (address) (phone number).

1 NOTE: New IARMIE registrants who do not complete a Medical
2 Information Exchange Questionnaire and release a copy of their
3 questionnaire to at least one Registry applicant must pay a \$15
4 registration fee.

5 Dated (insert date).

6
7 (signature)

8 (e) The form of the Denial of Information Exchange shall be
9 substantially as follows:

10 DENIAL OF INFORMATION EXCHANGE

11 I,, state that I am the person who completed the
12 Registration Identification; that I am of the age of
13 years; that I hereby instruct the Department of Public Health
14 not to give any identifying information about me to the
15 following person(s) (birth mother) (birth father) (birth
16 sibling)(adopted or surrendered person)(adoptive mother)
17 (adoptive father)(legal guardian of an adopted or surrendered
18 person)(birth aunt)(birth uncle)(adult child of a deceased
19 adopted or surrendered person) (surviving spouse of a deceased
20 adopted or surrendered person) (all eligible relatives).

21 I do/do not (circle appropriate response) authorize the
22 Registry to release a copy of my completed Medical Information
23 Exchange Questionnaire to qualified Registry applicants. NOTE:
24 New IARMIE registrants who do not complete a Medical
25 Information Exchange Questionnaire and release a copy of their

1 questionnaire to at least one Registry applicant must pay a \$15
 2 registration fee. Birth parents filing a Denial of Information
 3 Exchange are advised that, under Illinois law, an adult adopted
 4 person may initiate a search for a birth parent who has filed a
 5 Denial of Information Exchange or Birth Parent Preference Form
 6 on which Option E was selected through the State confidential
 7 intermediary program once 5 years have elapsed since the filing
 8 of the Denial of Information Exchange or Birth Parent
 9 Preference Form.

10 Dated (insert date).

11

12 (signature)

13 (f) The form of the Birth Parent Preference Form shall be
 14 substantially as follows:

15 In recognition of the basic right of all persons to access
 16 their birth records, Illinois law now provides for the release
 17 of original birth certificates to adopted and surrendered
 18 persons 21 years of age or older upon request. While many birth
 19 parents are comfortable sharing their identities or initiating
 20 contact with their birth sons and daughters once they have
 21 reached adulthood, Illinois law also recognizes that there may
 22 be unique situations where a birth parent might have a
 23 compelling reason for not wishing to establish contact with a
 24 birth son or birth daughter or for not wishing to release
 25 identifying information that appears on the original birth

1 certificate of a birth son or birth daughter who has reached
2 adulthood. The Illinois Adoption Registry and Medical
3 Information Exchange (IARMIE) has therefore established the
4 attached form to allow birth parents to express their
5 preferences regarding contact; and, if their birth child was
6 born on or after January 1, 1946, to express their wishes
7 regarding the sharing of identifying information listed on the
8 original birth certificate with an adult adopted or surrendered
9 person who has reached the age of 21 or his or her surviving
10 relatives.

11 In selecting one of the 5 options below, birth parents
12 should keep in mind that the decision to deny an adult adopted
13 or surrendered person access to identifying information on his
14 or her original birth record and/or information about
15 genetically-transmitted diseases is an important decision that
16 may impact the adopted or surrendered person's life in many
17 ways. A request for anonymity on this form only pertains to
18 information that is provided to an adult adopted or surrendered
19 person or his or her surviving relatives through the Registry.
20 This will not prevent the disclosure of identifying information
21 that may be available to the adoptee through his or her
22 adoptive parents and/or other means available to him or her.
23 Birth parents who would prefer not to be contacted by their
24 surrendered son or daughter are strongly urged to complete both
25 the Non-Identifying Information Section included on the final
26 page of the attached form and the Medical Questionnaire in

1 order to provide their surrendered son or daughter with the
2 background information he or she may need to better understand
3 his or her origins. Birth parents whose birth son or birth
4 daughter is under 21 years of age at the time of the completion
5 of this form are reminded that no original birth certificate
6 will be released by the IARMIE before an adoptee has reached
7 the age of 21. Should you need additional assistance in
8 completing this form, please contact the agency that handled
9 the adoption, if applicable, or the Illinois Adoption Registry
10 and Medical Information Exchange at 877-323-5299.

11 After careful consideration, I have made the following
12 decision regarding contact with my birth son/birth daughter,
13 (insert birth son's/birth daughter's name at birth, if
14 applicable), who was born in (insert city/town of birth)
15 on (insert date of birth)..... and the release of my
16 identifying information as it appears on his/her original birth
17 certificate when he/she reaches the age of 21, and I have
18 chosen Option (insert A, B, C, D, or E, as applicable).
19 I realize that this form must be accompanied by a completed
20 IARMIE application form as well as a Medical Information
21 Exchange Questionnaire or the \$15 registration fee. I am also
22 aware that I may revoke this decision at any time by completing
23 a new Birth Parent Preference Form and filing it with the
24 IARMIE. I understand that it is my responsibility to update the
25 IARMIE with any changes to contact information provided below.
26 I also understand that, while preferences regarding the release

1 of identifying information through the Registry are binding
2 unless the law should change in the future, any selection I
3 have made regarding my preferred method of contact is not.

4
5 (Signature/Date)

6 (Please insert your signature and today's date above, as well
7 as under your chosen option, A, B, C, D, or E below.)

8 Option A. My birth son or birth daughter was born on or after
9 January 1, 1946, and I agree to the release of my identifying
10 information as it appears on my birth son's/birth daughter's
11 original birth certificate, OR my birth son or birth daughter
12 was born prior to January 1, 1946. I would welcome direct
13 contact with my birth son/birth daughter when he or she has
14 reached the age of 21. In addition, before my birth son or
15 birth daughter has reached the age of 21 or in the event of his
16 or her death, I would welcome contact with the following
17 relatives of my birth child (circle all that apply): adoptive
18 mother, adoptive father, surviving spouse, surviving adult
19 child. I wish to be contacted at the following mailing address,
20 email address or phone number:

21
22
23
24

1 (Signature/Date)

2 Option B. My birth son or birth daughter was born on or after
3 January 1, 1946, and I agree to the release of my identifying
4 information as it appears on my birth son's/birth daughter's
5 original birth certificate, OR my birth son or birth daughter
6 was born prior to January 1, 1946. I would welcome contact with
7 my birth son/birth daughter when he or she has reached the age
8 of 21. In addition, before my birth son or birth daughter has
9 reached the age of 21 or in the event of his or her death, I
10 would welcome contact with the following relatives of my birth
11 child (circle all that apply): adoptive mother, adoptive
12 father, surviving spouse, surviving adult child. I would prefer
13 to be contacted through the following person. (Insert name and
14 mailing address, email address or phone number of chosen
15 contact person.)

16
17

18 (Signature/Date)

19 Option C. My birth son or birth daughter was born on or after
20 January 1, 1946, and I agree to the release of my identifying
21 information as it appears on my birth son's/birth daughter's
22 original birth certificate, OR my birth son or birth daughter
23 was born prior to January 1, 1946. I would welcome contact with
24 my birth son/birth daughter when he or she has reached the age

1 of 21. In addition, before my birth son or birth daughter has
 2 reached the age of 21 or in the event of his or her death, I
 3 would welcome contact with the following relatives of my birth
 4 child (circle all that apply): adoptive mother, adoptive
 5 father, surviving spouse, surviving adult child. I would prefer
 6 to be contacted through the Illinois Confidential Intermediary
 7 Program (please call 800-526-9022 for additional information)
 8 or through the agency that handled the adoption. (Insert agency
 9 name, address and phone number, if applicable.)

10

11

12 (Signature/Date)

13 Option D. My birth son or birth daughter was born on or after
 14 January 1, 1946, and I agree to the release of my identifying
 15 information as it appears on my birth son's/birth daughter's
 16 original birth certificate when he or she has reached the age
 17 of 21, OR my birth son or birth daughter was born prior to
 18 January 1, 1946. I would prefer not to be contacted by my birth
 19 son/birth daughter or his or her adoptive parents or surviving
 20 relatives.

21

22 (Signature/Date)

23 Option E. My birth son or birth daughter was born on or after
 24 January 1, 1946, and I wish to prohibit the release of my

1 (circle ALL applicable options) first name, last name, last
 2 known address, birth son/birth daughter's last name (if last
 3 name listed is same as mine), as they appear on my birth
 4 son's/birth daughter's original birth certificate and do not
 5 wish to be contacted by my birth son/birth daughter when he or
 6 she has reached the age of 21. If there were any special
 7 circumstances that played a role in your decision to remain
 8 anonymous which you would like to share with your birth
 9 son/birth daughter, please list them in the space provided
 10 below (optional).

11
 12

13 I understand that, although I have chosen to prohibit the
 14 release of my identity on the non-certified copy of the
 15 original birth certificate released to my birth son/birth
 16 daughter, he or she may request that a court-appointed
 17 confidential intermediary contact me to request updated
 18 medical information and/or confirm my desire to remain
 19 anonymous once 5 years have elapsed since the signing of this
 20 form; at the time of this subsequent search, I wish to be
 21 contacted through the person named below. (Insert in blank area
 22 below the name and phone number of the contact person, or leave
 23 it blank if you wish to be contacted directly.) I also
 24 understand that this request for anonymity shall expire upon my
 25 death.

26

1
2

(Signature/Date)

3 NOTE: A copy of this form will be forwarded to your birth son
4 or birth daughter should he or she file a request for his or
5 her original birth certificate with the IARMIE. However, if you
6 have selected Option E, identifying information, per your
7 specifications above, will be deleted from the copy of this
8 form forwarded to your birth son or daughter during your
9 lifetime. In the event that an adopted or surrendered person is
10 deceased, his or her surviving adult children may request a
11 copy of the adopted or surrendered person's original birth
12 certificate providing they have registered with the IARMIE; the
13 copy of this form and the non-certified copy of the original
14 birth certificate forwarded to the surviving child of the
15 adopted or surrendered person shall be redacted per your
16 specifications on this form during your lifetime.

17 Non-Identifying Information Section

18 I wish to voluntarily provide the following non-identifying
19 information to my birth son or birth daughter:

20 My age at the time of my child's birth was

21 My race is best described as:

22 My height is:

23 My body type is best described as (circle one): slim, average,
24 muscular, a few extra pounds, or more than a few extra pounds.

25 My natural hair color is/was:

1 My eye color is:

2 My religion is best described as:

3 My ethnic background is best described as:

4 My educational level is closest to (circle applicable
5 response): completed elementary school, graduated from
6 high school, attended college, earned bachelor's degree,
7 earned master's degree, earned doctoral degree.

8 My occupation is best described as

9 My hobbies include

10 My interests include

11 My talents include

12 In addition to my surrendered son or daughter, I also
13 am the biological parent of (insert number) boys and
14 (insert number) girls, of whom (insert number)
15 are still living.

16 The relationship between me and my child's birth mother/birth
17 father would best be described as (circle appropriate
18 response): husband and wife, ex-spouses, boyfriend and
19 girlfriend, casual acquaintances, other (please specify)
20

21 (g) The form of the Request for a Non-Certified Copy of an
22 Original Birth Certificate shall be substantially as follows:

23 REQUEST FOR A NON-CERTIFIED COPY OF AN ORIGINAL BIRTH
24 CERTIFICATE

25 I, (requesting party's full name), hereby request a
26 non-certified copy of (check appropriate option) my

1 original birth certificate the original birth
 2 certificate of my deceased adopted or surrendered parent
 3 the original birth certificate of my deceased adopted or
 4 surrendered spouse (insert deceased parent's/deceased spouse's
 5 name at adoption) I/my deceased parent/my deceased
 6 spouse was born in (insert city and county of adopted or
 7 surrendered person's birth) on (insert adopted or
 8 surrendered person's date of birth). In the event that one or
 9 both of my/my deceased parent's/my deceased spouse's birth
 10 parents has requested that their identity not be released to
 11 me/to my deceased parent/to my deceased spouse, I wish to
 12 (check appropriate option) a. receive a non-certified
 13 copy of the original birth certificate from which identifying
 14 information pertaining to the birth parent who requested
 15 anonymity has been deleted; or b. I do not wish to
 16 receive ~~received~~ an altered copy of the original birth
 17 certificate.

18 Dated (insert date).

19

20 (signature)

21 (h) Any Information Exchange Authorization, Denial of
 22 Information Exchange, or Birth Parent Preference Form filed
 23 with the Registry, or Request for a Non-Certified Copy of an
 24 Original Birth Certificate filed with the Registry by a
 25 surviving adult child or surviving spouse of a deceased adopted

1 or surrendered person, shall be acknowledged by the person who
2 filed it before a notary public, in form substantially as
3 follows:

4 State of

5 County of

6 I, a Notary Public, in and for the said County, in the
7 State aforesaid, do hereby certify that
8 personally known to me to be the same person whose name is
9 subscribed to the foregoing certificate of acknowledgement,
10 appeared before me in person and acknowledged that (he or she)
11 signed such certificate as (his or her) free and voluntary act
12 and that the statements in such certificate are true.

13 Given under my hand and notarial seal on (insert date).

14

15 (signature)

16 (i) When the execution of an Information Exchange
17 Authorization, Denial of Information Exchange, or Birth Parent
18 Preference Form or Request for a Non-Certified Copy of an
19 Original Birth Certificate completed by a surviving adult child
20 or surviving spouse of a deceased adopted or surrendered person
21 is acknowledged before a representative of an agency, such
22 representative shall have his signature on said Certificate
23 acknowledged before a notary public, in form substantially as
24 follows:

25 State of.....

1 County of.....

2 I, a Notary Public, in and for the said County, in the
3 State aforesaid, do hereby certify that personally known
4 to me to be the same person whose name is subscribed to the
5 foregoing certificate of acknowledgement, appeared before me
6 in person and acknowledged that (he or she) signed such
7 certificate as (his or her) free and voluntary act and that the
8 statements in such certificate are true.

9 Given under my hand and notarial seal on (insert date).

10
11 (signature)

12 (j) When an Illinois Adoption Registry Application,
13 Information Exchange Authorization, Denial of Information
14 Exchange, Birth Parent Preference Form, or Request for a
15 Non-Certified Copy of an Original Birth Certificate completed
16 by a surviving adult child or surviving spouse of a deceased
17 adopted or surrendered person is executed in a foreign country,
18 the execution of such document shall be acknowledged or
19 affirmed before an officer of the United States consular
20 services.

21 (k) If the person signing an Information Exchange
22 Authorization, Denial of Information, Birth Parent Preference
23 Form, or Request for a Non-Certified Copy of an Original Birth
24 Certificate completed by a surviving adult child or surviving
25 spouse of a deceased adopted or surrendered person is in the

1 military service of the United States, the execution of such
2 document may be acknowledged before a commissioned officer and
3 the signature of such officer on such certificate shall be
4 verified or acknowledged before a notary public or by such
5 other procedure as is then in effect for such division or
6 branch of the armed forces.

7 (l) An adopted or surrendered person, surviving adult
8 child, adult grandchild, surviving spouse, or birth parent of
9 an adult adopted person who completes a Request For a
10 Non-Certified Copy of the Original Birth Certificate shall meet
11 the same filing requirements and pay the same filing fees as a
12 non-adopted person seeking to obtain a copy of his or her
13 original birth certificate.

14 (m) Beginning on January 1, 2015, any birth parent of an
15 adult adopted person named on the original birth certificate
16 may request a non-certified copy of the original birth
17 certificate reflecting the birth of the adult adopted person,
18 provided that:

19 (1) any non-certified copy of the original birth
20 certificate released under this subsection (m) shall not
21 reflect the State file number on the original birth
22 certificate; and

23 (2) if the Department of Public Health does not locate
24 the original birth certificate, it shall issue a
25 certification of no record found.

26 (Source: P.A. 97-110, eff. 7-14-11; 98-704, eff. 1-1-15;

1 revised 12-10-14.)

2 Section 570. The Trusts and Dissolutions of Marriage Act is
3 amended by changing Section 1 as follows:

4 (760 ILCS 35/1) (from Ch. 148, par. 301)

5 Sec. 1. (a) Unless the governing instrument or the judgment
6 of judicial termination of marriage expressly provides
7 otherwise, judicial termination of the marriage of the settlor
8 of a trust revokes every provision which is revocable by the
9 settlor pertaining to the settlor's former spouse in a trust
10 instrument or amendment thereto executed by the settlor before
11 the entry of the judgment of judicial termination of the
12 settlor's marriage, and any such trust shall be administered
13 and construed as if the settlor's former spouse had died upon
14 entry of the judgment of judicial termination of the settlor's
15 marriage.

16 (b) A trustee who has no actual knowledge of a judgment of
17 judicial termination of the settlor's marriage, shall have no
18 liability for any action taken or omitted in good faith on the
19 assumption that the settlor is married. The preceding sentence
20 is intended to affect only the liability of the trustee and
21 shall not affect the disposition of beneficial interests in any
22 trust.

23 (c) "Trust" means a trust created by a nontestamentary
24 instrument executed after the effective date of this Act,

1 except that, unless in the governing instrument the provisions
2 of this Act are made applicable by specific reference, the
3 provisions of this Act do not apply to any (a) land trust; (b)
4 voting trust; (c) security instrument such as a trust deed or
5 mortgage; (d) liquidation trust; (e) escrow; (f) instrument
6 under which a nominee, custodian for property or paying or
7 receiving agent is appointed; or (g) a trust created by a
8 deposit arrangement in a bank or savings institution, commonly
9 known as "Totten Trust".

10 (d) The phrase "provisions pertaining to the settlor's
11 former spouse" includes, but is not limited to, every present
12 or future gift or interest or power of appointment given to the
13 settlor's former spouse or right of the settlor's former spouse
14 to serve in a fiduciary capacity.

15 (e) A provision is revocable by the settlor if the settlor
16 has the power at the time of the entry of the judgment of
17 judicial termination of the settlor's marriage to revoke,
18 modify or amend said provision, either alone or in conjunction
19 with any other person or persons.

20 (f) "Judicial termination of marriage" includes, but is not
21 limited to, divorce, dissolution, annulment or declaration of
22 invalidity of marriage.

23 (Source: P.A. 90-655, eff. 7-30-98; revised 12-10-14.)

24 Section 575. The Residential Real Property Disclosure Act
25 is amended by changing Section 5 as follows:

1 (765 ILCS 77/5)

2 Sec. 5. Definitions. As used in this Act, unless the
3 context otherwise requires, the following terms have the
4 meaning given in this Section.

5 "Residential real property" means real property improved
6 with not less than one nor more than 4 residential dwelling
7 units; units in residential cooperatives; or, condominium
8 units, including the limited common elements allocated to the
9 exclusive use thereof that form an integral part of the
10 condominium unit. The term includes a manufactured home as
11 defined in subdivision (53) of Section 9-102 of the Uniform
12 Commercial Code that is real property as defined in the
13 Conveyance and Encumbrance of Manufactured Homes as Real
14 Property and Severance Act.

15 "Seller" means every person or entity who is an owner,
16 beneficiary of a trust, contract purchaser or lessee of a
17 ground lease, who has an interest (legal or equitable) in
18 residential real property. However, "seller" shall not include
19 any person who has both (i) never occupied the residential real
20 property and (ii) never had the management responsibility for
21 the residential real property nor delegated such
22 responsibility for the residential real property to another
23 person or entity.

24 "Prospective buyer" means any person or entity negotiating
25 or offering to become an owner or lessee of residential real

1 property by means of a transfer for value to which this Act
2 applies.

3 (Source: P.A. 98-749, eff. 7-16-14; revised 12-10-14.)

4 Section 580. The Conveyance and Encumbrance of
5 Manufactured Homes as Real Property and Severance Act is
6 amended by changing Section 5-10 as follows:

7 (765 ILCS 170/5-10)

8 Sec. 5-10. Act not mandatory; record notice. The owner of a
9 manufactured home that is personal property or a fixture may,
10 but need not, cause that manufactured home to be deemed to be
11 real property by satisfying the requirements of Section 5-30 of
12 this Act and the requirements of Section 3-116.1 or 3-116.2 of
13 the Illinois Vehicle Code, as applicable.

14 To convey or voluntarily encumber a manufactured home as
15 real property, the following conditions must be met:

16 (1) the manufactured home must be affixed to a
17 permanent foundation on real property;

18 (2) the ownership interests in the manufactured home
19 and the real property to which the manufactured home is
20 affixed must be identical, or, if the manufactured home is
21 not located in a mobile home park as defined in Section 2.5
22 of the Mobile Home Park Act, and if the owner of the
23 manufactured home, if not the owner of the real property,
24 is in possession of the real property pursuant to the terms

1 of a lease in recordable form that has a term that
2 continues for at least 20 years after the date of
3 execution, then the consent of the lessor of the real
4 property must be given;

5 (3) the person (all, if more than one) having an
6 ownership interest in such manufactured home shall execute
7 and record with the recording officer of the county in
8 which the real property is located an affidavit of
9 affixation as provided in Section 5-15 of this Act and
10 satisfy the other applicable requirements of this Act; and

11 (4) upon receipt of a certified copy of the recorded
12 affidavit of affixation pursuant to Section 5-25 of this
13 Act, any person designated therein for filing with the
14 Secretary of State shall file the certified copy of
15 affidavit of affixation with the Secretary of State; except
16 that:

17 (A) in a case described in subsection (a) (4) (A) of
18 Section 5-15 of this Act, a certified copy of the
19 affidavit of affixation and the original
20 Manufacturer's Statement of Origin, each as recorded
21 in the county in which the real property is located,
22 must be filed with the Secretary of State pursuant to
23 Section 3-116.1 of the Illinois Vehicle Code; and

24 (B) in a case described in subsection (a) (4) (B) of
25 Section 5-15 of this Act, a certified copy of the
26 recorded affidavit of affixation as recorded in the

1 county in which the real property is located, and the
2 original certificate of title, including, if
3 applicable, a certificate of title issued in
4 accordance with subsection (b) of Section 3-109 of the
5 Illinois Vehicle Code, must be filed with the Secretary
6 of State pursuant to Section 3-116.2 of the Illinois
7 Vehicle Code.

8 (Source: P.A. 98-749, eff. 7-16-14; revised 12-10-14.)

9 Section 585. The Plat Act is amended by changing Section 1
10 as follows:

11 (765 ILCS 205/1) (from Ch. 109, par. 1)

12 Sec. 1. (a) Except as otherwise provided in subparagraph
13 (b) of this Section whenever the owner of land subdivides it
14 into 2 or more parts, any of which is less than 5 acres, he must
15 have it surveyed and a subdivision plat thereof made by an
16 Illinois Registered Land Surveyor, which plat must
17 particularly describe and set forth all public streets, alleys,
18 ways for public service facilities, ways for utility services
19 and community antenna television systems, parks, playgrounds,
20 school grounds or other public grounds, and all the tracts,
21 parcels, lots or blocks, and numbering all such lots, blocks or
22 parcels by progressive numbers, giving their precise
23 dimensions. There shall be submitted simultaneously with the
24 subdivision plat, a study or studies which shall show

1 topographically and by profile the elevation of the land prior
2 to the commencement of any change in elevations as a part of
3 any phase of subdividing, and additionally, if it is
4 contemplated that such elevations, or the flow of surface water
5 from such land, will be changed as a result of any portion of
6 such subdivision development, then such study or studies shall
7 also show such proposed changes in the elevations and the flow
8 of surface water from such land. The topographical and profile
9 studies required hereunder may be prepared as a subsidiary
10 study or studies separate from, but of the same scale and size
11 as the subdivision plat, and shall be prepared in such a manner
12 as will permit the topographical study or studies to be used as
13 overlays to the subdivision plat. The plat must show all
14 angular and linear data along the exterior boundaries of the
15 tract of land divided or subdivided, the names of all public
16 streets and the width, course and extent of all public streets,
17 alleys and ways for public service facilities. References must
18 also be made upon the plat to known and permanent monuments
19 from which future survey may be made and the surveyor must, at
20 the time of making his survey, set in such manner that they
21 will not be moved by frost, good and sufficient monuments
22 marking the external boundaries of the tract to be divided or
23 subdivided and must designate upon the plat the points where
24 they may be found. These monuments must be placed at all
25 corners, at each end of all curves, at the point where a curve
26 changes its radius, at all angle points in any line and at all

1 angle points along a meander line, the points to be not less
2 than 20 feet back from the normal water elevation of a lake or
3 from the bank of a stream, except that when such corners or
4 points fall within a street, or proposed future street, the
5 monuments must be placed in the right of way line of the
6 street. All internal boundaries, corners and points must be
7 monumented in the field by like monuments as defined above.
8 These monuments 2 of which must be of stone or reinforced
9 concrete and must be set at the opposite extremities of the
10 property platted, placed at all block corners, at each end of
11 all curves, at the points where a curve changes its radius, and
12 at all angle points in any line. All lots must be monumented in
13 the field with 2 or more monuments.

14 The monuments must be furnished by the person for whom the
15 survey is made and must be such that they will not be moved by
16 frost. If any city, village or town has adopted an official
17 plan, or part thereof, in the manner prescribed by law, the
18 plat of land situated within the area affected thereby must
19 conform to the official plan, or part thereof.

20 (b) Except as provided in subsection (c) of this Section,
21 the provisions of this Act do not apply and no subdivision plat
22 is required in any of the following instances:

23 1. the ~~The~~ division or subdivision of land into parcels
24 or tracts of 5 acres or more in size which does not involve
25 any new streets or easements of access;

26 2. the ~~The~~ division of lots or blocks of less than 1

1 acre in any recorded subdivision which does not involve any
2 new streets or easements of access;

3 3. the ~~The~~ sale or exchange of parcels of land between
4 owners of adjoining and contiguous land;

5 4. the ~~The~~ conveyance of parcels of land or interests
6 therein for use as a right of way for railroads or other
7 public utility facilities and other pipe lines which does
8 not involve any new streets or easements of access;

9 5. the ~~The~~ conveyance of land owned by a railroad or
10 other public utility which does not involve any new streets
11 or easements of access;

12 6. the ~~The~~ conveyance of land for highway or other
13 public purposes or grants or conveyances relating to the
14 dedication of land for public use or instruments relating
15 to the vacation of land impressed with a public use;

16 7. conveyances ~~Conveyances~~ made to correct
17 descriptions in prior conveyances;~~:-~~

18 8. the ~~The~~ sale or exchange of parcels or tracts of
19 land following the division into no more than 2 parts of a
20 particular parcel or tract of land existing on July 17,
21 1959 and not involving any new streets or easements of
22 access;~~:-~~

23 9. the ~~The~~ sale of a single lot of less than 5 acres
24 from a larger tract when a survey is made by an Illinois
25 Registered Land Surveyor; provided, that this exemption
26 shall not apply to the sale of any subsequent lots from the

1 same larger tract of land, as determined by the dimensions
2 and configuration of the larger tract on October 1, 1973,
3 and provided also that this exemption does not invalidate
4 any local requirements applicable to the subdivision of
5 land;

6 10. the ~~The~~ preparation of a plat for wind energy
7 devices under Section 10-620 of the Property Tax Code.

8 Nothing contained within the provisions of this Act shall
9 prevent or preclude individual counties from establishing
10 standards, ordinances, or specifications which reduce the
11 acreage minimum to less than 5 acres, but not less than 2
12 acres, or supplementing the requirements contained herein when
13 a survey is made by an Illinois Registered Land Surveyor and a
14 plat thereof is recorded, under powers granted to them.

15 (c) However, if a plat is made by an Illinois Registered
16 Surveyor of any parcel or tract of land otherwise exempt from
17 the plat provisions of this Act pursuant to subsection (b) of
18 this Section, such plat shall be recorded. It shall not be the
19 responsibility of a recorder of deeds to determine whether the
20 plat has been made or recorded under this subsection (c) prior
21 to accepting a deed for recording.

22 (Source: P.A. 95-644, eff. 10-12-07; revised 12-10-14.)

23 Section 590. The Condominium Property Act is amended by
24 setting forth and renumbering multiple versions of Section 18.8
25 as follows:

1 (765 ILCS 605/18.8)

2 Sec. 18.8. Use of technology.

3 (a) Any notice required to be sent or received or
4 signature, vote, consent, or approval required to be obtained
5 under any condominium instrument or any provision of this Act
6 may be accomplished using the technology generally available at
7 that time. This Section shall govern the use of technology in
8 implementing the provisions of any condominium instrument or
9 any provision of this Act concerning notices, signatures,
10 votes, consents, or approvals.

11 (b) The association, unit owners, and other persons
12 entitled to occupy a unit may perform any obligation or
13 exercise any right under any condominium instrument or any
14 provision of this Act by use of any technological means that
15 provides sufficient security, reliability, identification, and
16 verifiability.

17 (c) A verifiable electronic signature satisfies any
18 requirement for a signature under any condominium instrument or
19 any provision of this Act.

20 (d) Voting on, consent to, and approval of any matter under
21 any condominium instrument or any provision of this Act may be
22 accomplished by electronic transmission or other equivalent
23 technological means, provided that a record is created as
24 evidence thereof and maintained as long as the record would be
25 required to be maintained in nonelectronic form.

1 (e) Subject to other provisions of law, no action required
2 or permitted by any condominium instrument or any provision of
3 this Act need be acknowledged before a notary public if the
4 identity and signature of the person can otherwise be
5 authenticated to the satisfaction of the board of directors or
6 board of managers.

7 (f) If any person does not provide written authorization to
8 conduct business using electronic transmission or other
9 equivalent technological means, the association shall, at its
10 expense, conduct business with the person without the use of
11 electronic transmission or other equivalent technological
12 means.

13 (g) This Section does not apply to any notices required
14 under Article IX of the Code of Civil Procedure related to: (i)
15 an action by the association to collect a common expense; or
16 (ii) foreclosure proceedings in enforcement of any lien rights
17 under this Act.

18 (Source: P.A. 98-1042, eff. 1-1-15.)

19 (765 ILCS 605/18.9)

20 Sec. 18.9 ~~18.8~~. Common elements; rights of board.

21 (a) Any provision in a condominium instrument is void as
22 against public policy and ineffective if it limits or restricts
23 the rights of the board of managers by:

24 (1) requiring the prior consent of the unit owners in
25 order for the board of managers to take any action,

1 including the institution of any action in court or a
2 demand for a trial by jury; or

3 (2) notwithstanding Section 32 of this Act, requiring
4 the board of managers to arbitrate or mediate a dispute
5 with any one or more of all of the declarants under the
6 condominium instruments or the developer or any person not
7 then a unit owner prior to the institution of any action by
8 the board of managers or a demand for a trial by jury.

9 (b) A provision in a declaration which would otherwise be
10 void and ineffective under this Section may be enforced if it
11 is approved by a vote of not less than 75% of the unit owners at
12 any time after the election of the first unit owner board of
13 managers.

14 (Source: P.A. 98-1068, eff. 1-1-15; revised 10-20-14.)

15 Section 595. The Mobile Home Landlord and Tenant Rights Act
16 is amended by changing Section 3 as follows:

17 (765 ILCS 745/3) (from Ch. 80, par. 203)

18 Sec. 3. Definitions. Unless otherwise expressly defined,
19 all terms in this Act shall be construed to have their
20 ordinarily accepted meanings or such meaning as the context
21 therein requires.

22 (a) "Person" means any legal entity, including but not
23 limited to, an individual, firm, partnership, association,
24 trust, joint stock company, corporation or successor of any of

1 the foregoing.

2 (b) "Manufactured home" means a factory-assembled,
3 completely integrated structure designed for permanent
4 habitation, with a permanent chassis, and so constructed as to
5 permit its transport, on wheels temporarily or permanently
6 attached to its frame, and is a movable or portable unit that
7 is (i) 8 body feet or more in width, (ii) 40 body feet or more
8 in length, and (iii) 320 or more square feet, constructed to be
9 towed on its own chassis (comprised of frame and wheels) from
10 the place of its construction to the location, or subsequent
11 locations, at which it is connected to utilities for year-round
12 occupancy for use as a permanent habitation, and designed and
13 situated so as to permit its occupancy as a dwelling place for
14 one or more persons, and specifically includes a "manufactured
15 home" as defined in subdivision (53) of Section 9-102 of the
16 Uniform Commercial Code. The term shall include units
17 containing parts that may be folded, collapsed, or telescoped
18 when being towed and that may be expected to provide additional
19 cubic capacity, and that are designed to be joined into one
20 integral unit capable of being separated again into the
21 components for repeated towing. The term excludes campers and
22 recreational vehicles. The words "mobile home" and
23 "manufactured home" are synonymous for the purposes of this
24 Act.

25 (c) "Mobile Home Park" or "Park" means a tract of land or 2
26 contiguous tracts of land that contain sites with the necessary

1 utilities for 5 or more mobile homes or manufactured homes. A
2 mobile home park may be operated either free of charge or for
3 revenue purposes.

4 (d) "Park Owner" means the owner of a mobile home park and
5 any person authorized to exercise any aspect of the management
6 of the premises, including any person who directly or
7 indirectly receives rents and has no obligation to deliver the
8 whole of such receipts to another person.

9 (e) "Tenant" means any person who occupies a mobile home
10 rental unit for dwelling purposes or a lot on which he parks a
11 mobile home for an agreed upon consideration.

12 (f) "Rent" means any money or other consideration given for
13 the right of use, possession and occupancy of property, be it a
14 lot, a mobile home, or both.

15 (g) "Master antenna television service" means any and all
16 services provided by or through the facilities of any closed
17 circuit coaxial cable communication system, or any microwave or
18 similar transmission services other than a community antenna
19 television system as defined in Section 11-42-11 of the
20 Illinois Municipal Code.

21 (h) "Authority having jurisdiction" means the Illinois
22 Department of Public Health or a unit of local government
23 specifically authorized by statute, rule, or ordinance to
24 enforce this Act or any other statute, rule, or ordinance
25 applicable to the mobile home park or manufactured home
26 community.

1 (i) "Managing agent" means any person or entity responsible
2 for the operation, management, or maintenance of a mobile home
3 park or manufactured home community.

4 (Source: P.A. 98-749, eff. 7-16-14; 98-1062, eff. 1-1-15;
5 revised 10-2-14.)

6 Section 600. The Mechanics Lien Act is amended by changing
7 Section 35 as follows:

8 (770 ILCS 60/35) (from Ch. 82, par. 35)

9 Sec. 35. Satisfaction or release; recording; neglect;
10 penalty.

11 (a) Whenever a claim for lien has been filed with the
12 recorder of deeds, either by the contractor or sub-contractor,
13 and is paid with cost of filing same, or where there is a
14 failure to institute suit to enforce the same after demand as
15 provided in the preceding Section within the time by this Act
16 limited the person filing the same or some one by him duly
17 authorized in writing so to do, shall acknowledge satisfaction
18 or release thereof, in writing, on written demand of the owner,
19 lienor, or any person interested in the real estate, or his or
20 her agent or attorney, and on neglect to do so for 10 days
21 after such written demand he or she shall be liable to the
22 owner for the sum of \$2,500, which may be recovered in a civil
23 action together with the costs and the reasonable attorney's
24 fees of the owner, lienor, or other person interested in the

1 real estate, or his or her agent or attorney incurred in
2 bringing such action.

3 (b) Such a satisfaction or release of lien may be filed
4 with the recorder of deeds in whose office the claim for lien
5 had been filed and when so filed shall forever thereafter
6 discharge and release the claim for lien and shall bar all
7 actions brought or to be brought thereupon.

8 (c) The release of lien shall have the following imprinted
9 thereon in bold letters at least 1/4 inch in height: "FOR THE
10 PROTECTION OF THE OWNER, THIS RELEASE SHOULD BE FILED WITH THE
11 RECORDER IN WHOSE OFFICE THE CLAIM FOR LIEN WAS FILED." The
12 Recorder in whose office the claim for lien had been filed,
13 upon receipt of a release and the payment of the recording fee,
14 shall record the release.

15 (Source: P.A. 94-627, eff. 1-1-06; revised 12-11-14.)

16 Section 605. The Illinois Human Rights Act is amended by
17 changing Section 2-101 as follows:

18 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

19 Sec. 2-101. Definitions. The following definitions are
20 applicable strictly in the context of this Article.

21 (A) Employee.

22 (1) "Employee" includes:

23 (a) Any individual performing services for
24 remuneration within this State for an employer;

1 (b) An apprentice;

2 (c) An applicant for any apprenticeship.

3 For purposes of subsection (D) of Section 2-102 of this
4 Act, "employee" also includes an unpaid intern. An unpaid
5 intern is a person who performs work for an employer under
6 the following circumstances:

7 (i) the employer is not committed to hiring the
8 person performing the work at the conclusion of the
9 intern's tenure;

10 (ii) the employer and the person performing the
11 work agree that the person is not entitled to wages for
12 the work performed; and

13 (iii) the work performed:

14 (I) supplements training given in an
15 educational environment that may enhance the
16 employability of the intern;

17 (II) provides experience for the benefit of
18 the person performing the work;

19 (III) does not displace regular employees;

20 (IV) is performed under the close supervision
21 of existing staff; and

22 (V) provides no immediate advantage to the
23 employer providing the training and may
24 occasionally impede the operations of the
25 employer.

26 (2) "Employee" does not include:

- 1 (a) Domestic servants in private homes;
- 2 (b) Individuals employed by persons who are not
3 "employers" as defined by this Act;
- 4 (c) Elected public officials or the members of
5 their immediate personal staffs;
- 6 (d) Principal administrative officers of the State
7 or of any political subdivision, municipal corporation
8 or other governmental unit or agency;
- 9 (e) A person in a vocational rehabilitation
10 facility certified under federal law who has been
11 designated an evaluatee, trainee, or work activity
12 client.

13 (B) Employer.

14 (1) "Employer" includes:

- 15 (a) Any person employing 15 or more employees
16 within Illinois during 20 or more calendar weeks within
17 the calendar year of or preceding the alleged
18 violation;
- 19 (b) Any person employing one or more employees when
20 a complainant alleges civil rights violation due to
21 unlawful discrimination based upon his or her physical
22 or mental disability unrelated to ability, pregnancy,
23 or sexual harassment;
- 24 (c) The State and any political subdivision,
25 municipal corporation or other governmental unit or
26 agency, without regard to the number of employees;

1 (d) Any party to a public contract without regard
2 to the number of employees;

3 (e) A joint apprenticeship or training committee
4 without regard to the number of employees.

5 (2) "Employer" does not include any religious
6 corporation, association, educational institution,
7 society, or non-profit nursing institution conducted by
8 and for those who rely upon treatment by prayer through
9 spiritual means in accordance with the tenets of a
10 recognized church or religious denomination with respect
11 to the employment of individuals of a particular religion
12 to perform work connected with the carrying on by such
13 corporation, association, educational institution, society
14 or non-profit nursing institution of its activities.

15 (C) Employment Agency. "Employment Agency" includes both
16 public and private employment agencies and any person, labor
17 organization, or labor union having a hiring hall or hiring
18 office regularly undertaking, with or without compensation, to
19 procure opportunities to work, or to procure, recruit, refer or
20 place employees.

21 (D) Labor Organization. "Labor Organization" includes any
22 organization, labor union, craft union, or any voluntary
23 unincorporated association designed to further the cause of the
24 rights of union labor which is constituted for the purpose, in
25 whole or in part, of collective bargaining or of dealing with
26 employers concerning grievances, terms or conditions of

1 employment, or apprenticeships or applications for
2 apprenticeships, or of other mutual aid or protection in
3 connection with employment, including apprenticeships or
4 applications for apprenticeships.

5 (E) Sexual Harassment. "Sexual harassment" means any
6 unwelcome sexual advances or requests for sexual favors or any
7 conduct of a sexual nature when (1) submission to such conduct
8 is made either explicitly or implicitly a term or condition of
9 an individual's employment, (2) submission to or rejection of
10 such conduct by an individual is used as the basis for
11 employment decisions affecting such individual, or (3) such
12 conduct has the purpose or effect of substantially interfering
13 with an individual's work performance or creating an
14 intimidating, hostile or offensive working environment.

15 (F) Religion. "Religion" with respect to employers
16 includes all aspects of religious observance and practice, as
17 well as belief, unless an employer demonstrates that he is
18 unable to reasonably accommodate an employee's or prospective
19 employee's religious observance or practice without undue
20 hardship on the conduct of the employer's business.

21 (G) Public Employer. "Public employer" means the State, an
22 agency or department thereof, unit of local government, school
23 district, instrumentality or political subdivision.

24 (H) Public Employee. "Public employee" means an employee of
25 the State, agency or department thereof, unit of local
26 government, school district, instrumentality or political

1 subdivision. "Public employee" does not include public
2 officers or employees of the General Assembly or agencies
3 thereof.

4 (I) Public Officer. "Public officer" means a person who is
5 elected to office pursuant to the Constitution or a statute or
6 ordinance, or who is appointed to an office which is
7 established, and the qualifications and duties of which are
8 prescribed, by the Constitution or a statute or ordinance, to
9 discharge a public duty for the State, agency or department
10 thereof, unit of local government, school district,
11 instrumentality or political subdivision.

12 (J) Eligible Bidder. "Eligible bidder" means a person who,
13 prior to a bid opening, has filed with the Department a
14 properly completed, sworn and currently valid employer report
15 form, pursuant to the Department's regulations. The provisions
16 of this Article relating to eligible bidders apply only to bids
17 on contracts with the State and its departments, agencies,
18 boards, and commissions, and the provisions do not apply to
19 bids on contracts with units of local government or school
20 districts.

21 (K) Citizenship Status. "Citizenship status" means the
22 status of being:

- 23 (1) a born U.S. citizen;
24 (2) a naturalized U.S. citizen;
25 (3) a U.S. national; or
26 (4) a person born outside the United States and not a

1 U.S. citizen who is not an unauthorized alien and who is
2 protected from discrimination under the provisions of
3 Section 1324b of Title 8 of the United States Code, as now
4 or hereafter amended.

5 (Source: P.A. 97-877, eff. 8-2-12; 98-1037, eff. 1-1-15;
6 98-1050, eff. 1-1-15; revised 10-3-14.)

7 Section 610. The General Not For Profit Corporation Act of
8 1986 is amended by changing Section 112.10 as follows:

9 (805 ILCS 105/112.10) (from Ch. 32, par. 112.10)

10 Sec. 112.10. Voluntary dissolution by written consent of
11 members entitled to vote. Except for the dissolution of a
12 not-for-profit corporation organized for the purpose of
13 ownership or administration of residential property on a
14 cooperative basis, when.—~~When~~ a corporation has members
15 entitled to vote on dissolution, the dissolution of a
16 corporation may be authorized pursuant to Section 107.10 of
17 this Act. Dissolution pursuant to this ~~the~~ Section does not
18 require any vote of the directors of the corporation.

19 (Source: P.A. 98-302, eff. 1-1-14; revised 12-11-14.)

20 Section 615. The Limited Liability Company Act is amended
21 by changing Section 35-40 as follows:

22 (805 ILCS 180/35-40)

1 Sec. 35-40. Reinstatement following administrative
2 dissolution.

3 (a) A limited liability company administratively dissolved
4 under Section 35-25 may be reinstated by the Secretary of State
5 following the date of issuance of the notice of dissolution
6 upon:

7 (1) The filing of an application for reinstatement.

8 (2) The filing with the Secretary of State by the
9 limited liability company of all reports then due and
10 theretofore becoming due.

11 (3) The payment to the Secretary of State by the
12 limited liability company of all fees and penalties then
13 due and theretofore becoming due.

14 (b) The application for reinstatement shall be executed and
15 filed in duplicate in accordance with Section 5-45 of this Act
16 and shall set forth all of the following:

17 (1) The name of the limited liability company at the
18 time of the issuance of the notice of dissolution.

19 (2) If the name is not available for use as determined
20 by the Secretary of State at the time of filing the
21 application for reinstatement, the name of the limited
22 liability company as changed, provided that any change of
23 name is properly effected under Section 1-10 and Section
24 5-25 ~~5-25~~ of this Act.

25 (3) The date of issuance of the notice of dissolution.

26 (4) The address, including street and number or rural

1 route number of the registered office of the limited
2 liability company upon reinstatement thereof and the name
3 of its registered agent at that address upon the
4 reinstatement of the limited liability company, provided
5 that any change from either the registered office or the
6 registered agent at the time of dissolution is properly
7 reported under Section 1-35 of this Act.

8 (c) When a dissolved limited liability company has complied
9 with the provisions of the Section, the Secretary of State
10 shall file the application for reinstatement.

11 (d) Upon the filing of the application for reinstatement,
12 the limited liability company existence shall be deemed to have
13 continued without interruption from the date of the issuance of
14 the notice of dissolution, and the limited liability company
15 shall stand revived with the powers, duties, and obligations as
16 if it had not been dissolved; and all acts and proceedings of
17 its members, managers, officers, employees, and agents, acting
18 or purporting to act in that capacity, and which would have
19 been legal and valid but for the dissolution, shall stand
20 ratified and confirmed.

21 (e) Without limiting the generality of subsection (d), upon
22 the filing of the application for reinstatement, no member,
23 manager, or officer shall be personally liable for the debts
24 and liabilities of the limited liability company incurred
25 during the period of administrative dissolution by reason of
26 the fact that the limited liability company was

1 administratively dissolved at the time the debts or liabilities
2 were incurred.

3 (Source: P.A. 98-776, eff. 1-1-15; revised 12-11-14.)

4 Section 620. The Illinois Securities Law of 1953 is amended
5 by changing Section 11a as follows:

6 (815 ILCS 5/11a) (from Ch. 121 1/2, par. 137.11a)

7 Sec. 11a. Fees.

8 (1) The Secretary of State shall by rule or regulation
9 impose and shall collect reasonable fees necessary for the
10 administration of this Act including, but not limited to, fees
11 for the following purposes:

12 (a) filing an application pursuant to paragraph (2) of
13 subsection F of Section 4 of this Act;

14 (b) examining an application and report pursuant to
15 paragraph (2) of subsection F of Section 4 of this Act;

16 (c) filing a report pursuant to subsection G of Section
17 4 of this Act, determined in accordance with paragraph (4)
18 of subsection G of Section 4 of this Act;

19 (d) examining an offering sheet pursuant to subsection
20 P of Section 4 of this Act;

21 (e) filing a report pursuant to subsection P of Section
22 4, determined in accordance with subsection P of Section 4
23 of this Act;

24 (f) examining an application to register securities

1 under subsection B of Section 5 of this Act;

2 (g) examining an amended or supplemental prospectus
3 filed pursuant to the undertaking required by
4 sub-paragraph (i) of paragraph (2) of subsection B of
5 Section 5 of this Act;

6 (h) registering or renewing registration of securities
7 under Section 5, determined in accordance with subsection C
8 of Section 5 of this Act;

9 (i) registering securities in excess of the amount
10 initially registered, determined in accordance with
11 paragraph (2) of subsection C of Section 5 of this Act;

12 (j) failure to file timely an application for renewal
13 under subsection E of Section 5 of this Act;

14 (k) failure to file timely any document or information
15 required under Section 5 of this Act;

16 (l) examining an application to register face amount
17 certificate contracts under subsection B of Section 6 of
18 this Act;

19 (m) examining an amended or supplemental prospectus
20 filed pursuant to the undertaking required by
21 sub-paragraph (f) of paragraph (2) of subsection B of
22 Section 6 of this Act;

23 (n) registering or renewing registration of face
24 amount certificate contracts under Section 6 of this Act;

25 (o) amending a registration of face amount certificate
26 contracts pursuant to subsection E of Section 6 of this Act

1 to add any additional series, type or class of contract;

2 (p) failure to file timely an application for renewal
3 under subsection F of Section 6 of this Act;

4 (q) adding to or withdrawing from deposits with respect
5 to face amount certificate contracts pursuant to
6 subsection H of Section 6, a transaction charge payable at
7 the times and in the manner specified in subsection H of
8 Section 6 (which transaction charge shall be in addition to
9 the annual fee called for by subsection H of Section 6 of
10 this Act);

11 (r) failure to file timely any document or information
12 required under Section 6 of this Act;

13 (s) examining an application to register investment
14 fund shares under subsection B of Section 7 of this Act;

15 (t) examining an amended or supplemental prospectus
16 filed pursuant to the undertaking required by
17 sub-paragraph (f) of paragraph (2) of subsection B of
18 Section 7 of this Act;

19 (u) registering or renewing registration of investment
20 fund shares under Section 7 of this Act;

21 (v) amending a registration of investment fund shares
22 pursuant to subsection D of Section 7 of this Act to
23 register an additional class or classes of investment fund
24 shares;

25 (w) failure to file timely an application for renewal
26 under paragraph (1) of subsection G of Section 7 of this

1 Act;

2 (x) examining an application for renewal of
3 registration of investment fund shares under paragraph (2)
4 of subsection G of Section 7 of this Act;

5 (y) failure to file timely any document or information
6 required under Section 7 of this Act;

7 (z) filing an application for registration or
8 re-registration of a dealer or limited Canadian dealer
9 under Section 8 of this Act for each office in this State;

10 (aa) in connection with an application for the
11 registration or re-registration of a salesperson under
12 Section 8 of ~~or~~ this Act, for the following purposes:

13 (i) filing an application;

14 (ii) a Securities Audit and Enforcement Fund fee;

15 and

16 (iii) a notification filing of federal covered
17 investment advisers;

18 (bb) in connection with an application for the
19 registration or re-registration of an investment adviser
20 under Section 8 of this Act;

21 (cc) failure to file timely any document or information
22 required under Section 8 of this Act;

23 (dd) filing a consent to service of process under
24 Section 10 of this Act;

25 (ee) issuing a certificate pursuant to subsection B of
26 Section 15 of this Act;

1 (ff) issuing a certified copy pursuant to subsection C
2 of Section 15 of this Act;

3 (gg) issuing a non-binding statement pursuant to
4 Section 15a of this Act;

5 (hh) filings by Notification under Section 2a;

6 (ii) notification filing of federal Regulation D,
7 Section 506 offering under the Federal 1933 Act;

8 (jj) notification filing of securities and closed-end
9 investment company securities;

10 (kk) notification filing of face amount certificate
11 contracts;

12 (ll) notification filing of open-end investment
13 company securities;

14 (mm) filing a report pursuant to subsection D of
15 Section 4 of this Act;

16 (nn) in connection with the filing of an application
17 for registration or re-registration of an investment
18 adviser representative under subsection D of Section 8 of
19 this Act.

20 (2) The Secretary of State may, by rule or regulation,
21 raise or lower any fee imposed by, and which he or she is
22 authorized by law to collect under, this Act.

23 (Source: P.A. 90-70, eff. 7-8-97; 91-357, eff. 7-29-99; revised
24 12-11-14.)

25 Section 625. The Ticket Sale and Resale Act is amended by

1 changing Sections 1 and 2 as follows:

2 (815 ILCS 414/1) (was 720 ILCS 375/1)

3 Sec. 1. Sale of tickets other than at box office
4 prohibited; exceptions.

5 (a) It is unlawful for any person, firm or corporation,
6 owner, lessee, manager, trustee, or any of their employees or
7 agents, owning, conducting, managing or operating any theater,
8 circus, baseball park, or place of public entertainment or
9 amusement where tickets of admission are sold for any such
10 places of amusement or public entertainment to sell or permit
11 the sale, barter or exchange of such admission tickets at any
12 other place than in the box office or on the premises of such
13 theater, circus, baseball park, or place of public
14 entertainment or amusement, but nothing herein prevents such
15 theater, circus, baseball park, or place of public
16 entertainment or amusement from placing any of its admission
17 tickets for sale at any other place at the same price such
18 admission tickets are sold by such theater, circus, baseball
19 park, or other place of public entertainment or amusement at
20 its box office or on the premises of such places, at the same
21 advertised price or printed rate thereof.

22 (b) Any term or condition of the original sale of a ticket
23 to any theater, circus, baseball park, or place of public
24 entertainment or amusement where tickets of admission are sold
25 that purports to limit the terms or conditions of resale of the

1 ticket (including but not limited to the resale price of the
2 ticket) is unenforceable, null, and void if the resale
3 transaction is carried out by any of the means set forth in
4 subsections (b), (c), (d), and (e) of Section 1.5 of this Act.
5 This subsection shall not apply to a term or condition of the
6 original sale of a ticket to any theater, circus, baseball
7 park, or place of public entertainment or amusement where
8 tickets of admission are sold that purports to limit the terms
9 or conditions of resale of a ticket specifically designated as
10 seating in a special section for a person with a physical
11 disability.

12 (Source: P.A. 94-20, eff. 6-14-05; revised 12-11-14.)

13 (815 ILCS 414/2) (was 720 ILCS 375/2)

14 Sec. 2. (a) Whoever violates any of the provisions of
15 Section 1.5 of this Act shall be guilty of a Class A
16 misdemeanor and may be fined up to \$5,000.00 for each offense
17 and whoever violates any other provision of this Act may be
18 enjoined and be required to make restitution to all injured
19 consumers upon application for injunctive relief by the State's
20 Attorney or Attorney General and shall also be guilty of a
21 Class A misdemeanor, and any owner, lessee, manager or trustee
22 convicted under this Act shall, in addition to the penalty
23 herein provided, forfeit the license of such theatre, circus,
24 baseball park, or place of public entertainment or amusement so
25 granted and the same shall be revoked by the authorities

1 granting the same.

2 (b) Tickets sold or offered for sale by a person, firm or
3 corporation in violation of Section 1.5 of this Act may be
4 confiscated by a court on motion of the Attorney General, a
5 State's Attorney, the sponsor of the event for which the
6 tickets are being sold, or the owner or operator of the
7 facility at which the event is to be held, and may be donated
8 by order of the court to an appropriate organization as defined
9 under Section 2 of the Charitable Games Act.

10 (c) The Attorney General, a State's Attorney, the sponsor
11 of an event for which tickets are being sold, or the owner or
12 operator of the facility at which an event is to be held may
13 seek an injunction restraining any person, firm or corporation
14 from selling or offering for sale tickets in violation of the
15 provisions of this Act. In addition, on motion of the Attorney
16 General, a State's Attorney, the sponsor of an event for which
17 tickets are being sold, or the owner or operator of the
18 facility at which an event is to be held, a court may
19 permanently enjoin a person, firm or corporation found guilty
20 of violating Section 1.5 of this Act from engaging in the offer
21 or sale of tickets.

22 (Source: P.A. 91-357, eff. 7-29-99; revised 12-11-14.)

23 Section 630. The Consumer Fraud and Deceptive Business
24 Practices Act is amended by setting forth and renumbering
25 multiple versions of Section 2RRR as follows:

1 (815 ILCS 505/2RRR)

2 Sec. 2RRR. Household goods recycling bins.

3 (a) Notwithstanding any other provision of law, a person or
4 entity owning, operating, or maintaining a household goods
5 recycling bin shall have a permanent, written, printed label
6 affixed to the bin that is prominently displayed and includes
7 the following: (1) the name, address, and contact information
8 of the person or entity owning, operating, or maintaining that
9 bin; and (2) whether the person or entity owning, operating, or
10 maintaining the bin is a not for profit entity or a for profit
11 entity. A person or entity who violates this Section commits an
12 unlawful practice within the meaning of this Act.

13 (b) As used in this Section:

14 "Household goods recycling bin" or "bin" means a
15 container or receptacle held out to the public as a place
16 for people to discard clothes, shoes, books, and other
17 recyclable items until they are taken away for resale,
18 re-use, recycling, or redistribution by the person or
19 entity that owns, operates, or maintains the bin.

20 "Not for profit entity" means any entity that is
21 officially recognized by the United States Internal
22 Revenue Service as a tax-exempt entity described in Section
23 501(c)(3) of the Internal Revenue Code of 1986 (or any
24 successor provision of federal tax law).

25 (Source: P.A. 98-1116, eff. 1-1-15.)

1 (815 ILCS 505/2SSS)

2 Sec. 2SSS ~~2RRR~~. Unfair or deceptive patent infringement
3 demand letters.

4 (a) As used in this Section:

5 "Affiliated person" means a person affiliated with the
6 intended recipient of a written or electronic communication.

7 "Intended recipient" means a person who purchases, rents,
8 leases, or otherwise obtains a product or service in the
9 commercial market that is not for resale in the commercial
10 market and that is, or later becomes, the subject of a patent
11 infringement allegation.

12 (b) It is an unlawful practice under this Act for a person,
13 in connection with the assertion of a United States patent, to
14 send or cause any person to send any written, including
15 electronic, communication that states that the intended
16 recipient or any affiliated person is infringing or has
17 infringed a patent and bears liability or owes compensation to
18 another person, if:

19 (1) the communication falsely threatens that
20 administrative or judicial relief will be sought if
21 compensation is not paid or the infringement issue is not
22 otherwise resolved;

23 (2) the communication falsely states that litigation
24 has been filed against the intended recipient or any
25 affiliated person;

1 (3) the assertions contained in the communication lack
2 a reasonable basis in fact or law because:

3 (A) the person asserting the patent is not a
4 person, or does not represent a person, with the
5 current right to license the patent to or enforce the
6 patent against the intended recipient or any
7 affiliated person;

8 (B) the communication seeks compensation for a
9 patent that has been held to be invalid or
10 unenforceable in a final, unappealable or unappealed,
11 judicial or administrative decision; or

12 (C) the communication seeks compensation on
13 account of activities undertaken after the patent has
14 expired; or

15 (4) the content of the communication fails to include
16 information necessary to inform an intended recipient or
17 any affiliated person about the patent assertion by failing
18 to include the following:

19 (A) the identity of the person asserting a right to
20 license the patent to or enforce the patent against the
21 intended recipient or any affiliated person;

22 (B) the patent issued by the United States Patent
23 and Trademark Office alleged to have been infringed;
24 and

25 (C) the factual allegations concerning the
26 specific areas in which the intended recipient's or

1 affiliated person's products, services, or technology
2 infringed the patent or are covered by the claims in
3 the patent.

4 (c) Nothing in this Section shall be construed to deem it
5 an unlawful practice for any person who owns or has the right
6 to license or enforce a patent to:

7 (1) advise others of that ownership or right of license
8 or enforcement;

9 (2) communicate to others that the patent is available
10 for license or sale;

11 (3) notify another of the infringement of the patent;
12 or

13 (4) seek compensation on account of past or present
14 infringement or for a license to the patent.

15 (Source: P.A. 98-1119, eff. 1-1-15; revised 10-20-14.)

16 Section 635. The Day and Temporary Labor Services Act is
17 amended by changing Section 10 as follows:

18 (820 ILCS 175/10)

19 Sec. 10. Employment Notice.

20 (a) Whenever a day and temporary labor service agency
21 agrees to send one or more persons to work as day or temporary
22 laborers, the day and temporary labor service agency shall
23 provide to each day or temporary laborer, at the time of
24 dispatch, a statement containing the following items on a form

1 approved by the Department:

2 (1) the name of the day or temporary laborer;

3 (2) the name and nature of the work to be performed;

4 (3) the wages offered;

5 (4) the name and address of the destination of each day
6 or temporary laborer;

7 (5) terms of transportation; and

8 (6) whether a meal or equipment, or both, are provided,
9 either by the day and temporary labor service agency or the
10 third party client, and the cost of the meal and equipment,
11 if any.

12 If a day or temporary laborer is assigned to the same
13 assignment for more than one day, the day and temporary labor
14 service agency is required to provide the employment notice
15 only on the first day of the assignment and on any day that any
16 of the terms listed on the employment notice are changed.

17 If the day or temporary laborer is not placed with a third
18 party client or otherwise contracted to work for that day, the
19 day and temporary labor service agency shall, upon request,
20 provide the day and temporary laborer with a confirmation that
21 the day or temporary laborer sought work, signed by an employee
22 of the day and temporary labor service agency, which shall
23 include the name of the agency, the name and address of the day
24 or temporary laborer, and the date and the time that the day or
25 temporary laborer receives the confirmation.

26 (b) No day and temporary labor service agency may send any

1 day or temporary laborer to any place where a strike, a
2 lockout, or other labor trouble exists.

3 (c) The Department shall recommend to day and temporary
4 labor service agencies that those agencies employ personnel who
5 can effectively communicate information required in
6 subsections (a) and (b) to day or temporary laborers in
7 Spanish, Polish, or any other language that is generally
8 understood in the locale of the day and temporary labor service
9 agency.

10 (Source: P.A. 93-375, eff. 1-1-04; 94-511, eff. 1-1-06; revised
11 12-11-14.)

12 Section 640. The Victims' Economic Security and Safety Act
13 is amended by changing Section 30 as follows:

14 (820 ILCS 180/30)

15 Sec. 30. Victims' employment sustainability; prohibited
16 discriminatory acts.

17 (a) An employer shall not fail to hire, refuse to hire,
18 discharge, constructively discharge, or harass any individual,
19 otherwise discriminate against any individual with respect to
20 the compensation, terms, conditions, or privileges of
21 employment of the individual, or retaliate against an
22 individual in any form or manner, and a public agency shall not
23 deny, reduce, or terminate the benefits of, otherwise sanction,
24 or harass any individual, otherwise discriminate against any

1 individual with respect to the amount, terms, or conditions of
2 public assistance of the individual, or retaliate against an
3 individual in any form or manner, because:

4 (1) the individual involved:

5 (A) is or is perceived to be a victim of domestic
6 or sexual violence;

7 (B) attended, participated in, prepared for, or
8 requested leave to attend, participate in, or prepare
9 for a criminal or civil court proceeding relating to an
10 incident of domestic or sexual violence of which the
11 individual or a family or household member of the
12 individual was a victim, or requested or took leave for
13 any other reason provided under Section 20; ~~or~~

14 (C) requested an adjustment to a job structure,
15 workplace facility, or work requirement, including a
16 transfer, reassignment, or modified schedule, leave, a
17 changed telephone number or seating assignment,
18 installation of a lock, or implementation of a safety
19 procedure in response to actual or threatened domestic
20 or sexual violence, regardless of whether the request
21 was granted; or

22 (D) is an employee whose employer is subject to
23 Section 21 of the Workplace Violence Prevention Act; or

24 (2) the workplace is disrupted or threatened by the
25 action of a person whom the individual states has committed
26 or threatened to commit domestic or sexual violence against

1 the individual or the individual's family or household
2 member.

3 (b) In this Section:

4 (1) "Discriminate", used with respect to the terms,
5 conditions, or privileges of employment or with respect to
6 the terms or conditions of public assistance, includes not
7 making a reasonable accommodation to the known limitations
8 resulting from circumstances relating to being a victim of
9 domestic or sexual violence or a family or household member
10 being a victim of domestic or sexual violence of an
11 otherwise qualified individual:

12 (A) who is:

13 (i) an applicant or employee of the employer
14 (including a public agency); or

15 (ii) an applicant for or recipient of public
16 assistance from a public agency; and

17 (B) who is:

18 (i) a victim of domestic or sexual violence; or

19 (ii) with a family or household member who is a
20 victim of domestic or sexual violence whose
21 interests are not adverse to the individual in
22 subparagraph (A) as it relates to the domestic or
23 sexual violence;

24 unless the employer or public agency can demonstrate that
25 the accommodation would impose an undue hardship on the
26 operation of the employer or public agency.

1 A reasonable accommodation must be made in a timely
2 fashion. Any exigent circumstances or danger facing the
3 employee or his or her family or household member shall be
4 considered in determining whether the accommodation is
5 reasonable.

6 (2) "Qualified individual" means:

7 (A) in the case of an applicant or employee
8 described in paragraph (1)(A)(i), an individual who,
9 but for being a victim of domestic or sexual violence
10 or with a family or household member who is a victim of
11 domestic or sexual violence, can perform the essential
12 functions of the employment position that such
13 individual holds or desires; or

14 (B) in the case of an applicant or recipient
15 described in paragraph (1)(A)(ii), an individual who,
16 but for being a victim of domestic or sexual violence
17 or with a family or household member who is a victim of
18 domestic or sexual violence, can satisfy the essential
19 requirements of the program providing the public
20 assistance that the individual receives or desires.

21 (3) "Reasonable accommodation" may include an
22 adjustment to a job structure, workplace facility, or work
23 requirement, including a transfer, reassignment, or
24 modified schedule, leave, a changed telephone number or
25 seating assignment, installation of a lock, or
26 implementation of a safety procedure, or assistance in

1 documenting domestic or sexual violence that occurs at the
2 workplace or in work-related settings, in response to
3 actual or threatened domestic or sexual violence.

4 (4) Undue hardship.

5 (A) In general. "Undue hardship" means an action
6 requiring significant difficulty or expense, when
7 considered in light of the factors set forth in
8 subparagraph (B).

9 (B) Factors to be considered. In determining
10 whether a reasonable accommodation would impose an
11 undue hardship on the operation of an employer or
12 public agency, factors to be considered include:

13 (i) the nature and cost of the reasonable
14 accommodation needed under this Section;

15 (ii) the overall financial resources of the
16 facility involved in the provision of the
17 reasonable accommodation, the number of persons
18 employed at such facility, the effect on expenses
19 and resources, or the impact otherwise of such
20 accommodation on the operation of the facility;

21 (iii) the overall financial resources of the
22 employer or public agency, the overall size of the
23 business of an employer or public agency with
24 respect to the number of employees of the employer
25 or public agency, and the number, type, and
26 location of the facilities of an employer or public

1 agency; and

2 (iv) the type of operation of the employer or
3 public agency, including the composition,
4 structure, and functions of the workforce of the
5 employer or public agency, the geographic
6 separateness of the facility from the employer or
7 public agency, and the administrative or fiscal
8 relationship of the facility to the employer or
9 public agency.

10 (c) An employer subject to Section 21 of the Workplace
11 Violence Prevention Act shall not violate any provisions of the
12 Workplace Violence Prevention Act.

13 (Source: P.A. 98-766, eff. 7-16-14; revised 12-11-14.)

14 Section 645. The Workplace Violence Prevention Act is
15 amended by changing Section 5 as follows:

16 (820 ILCS 275/5)

17 Sec. 5. Purpose. This Act is intended to assist employers
18 in protecting their workforces ~~its workforce~~, customers,
19 guests, and property by limiting access to workplace venues by
20 potentially violent individuals.

21 (Source: P.A. 98-430, eff. 1-1-14; revised 12-11-14.)

22 Section 650. The Workers' Compensation Act is amended by
23 changing Section 6 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

1 accurate records of work-related deaths, injuries and illness
2 other than minor injuries requiring only first aid treatment
3 and which do not involve medical treatment, loss of
4 consciousness, restriction of work or motion, or transfer to
5 another job and file with the Commission, in writing, a report
6 of all accidental deaths, injuries and illnesses arising out of
7 and in the course of the employment resulting in the loss of
8 more than 3 scheduled work days. In the case of death such
9 report shall be made no later than 2 working days following the
10 accidental death. In all other cases such report shall be made
11 between the 15th and 25th of each month unless required to be
12 made sooner by rule of the Commission. In case the injury
13 results in permanent disability, a further report shall be made
14 as soon as it is determined that such permanent disability has
15 resulted or will result from the injury. All reports shall
16 state the date of the injury, including the time of day or
17 night, the nature of the employer's business, the name,
18 address, age, sex, conjugal condition of the injured person,
19 the specific occupation of the injured person, the direct cause
20 of the injury and the nature of the accident, the character of
21 the injury, the length of disability, and in case of death the
22 length of disability before death, the wages of the injured
23 person, whether compensation has been paid to the injured
24 person, or to his or her legal representative or his heirs or
25 next of kin, the amount of compensation paid, the amount paid
26 for physicians', surgeons' and hospital bills, and by whom

1 paid, and the amount paid for funeral or burial expenses if
2 known. The reports shall be made on forms and in the manner as
3 prescribed by the Commission and shall contain such further
4 information as the Commission shall deem necessary and require.
5 The making of these reports releases the employer from making
6 such reports to any other officer of the State and shall
7 satisfy the reporting provisions as contained in the Safety
8 Inspection and Education Act, the Health and Safety Act, and
9 the Occupational Safety and Health Act. The reports filed with
10 the Commission pursuant to this Section shall be made available
11 by the Commission to the Director of Labor or his
12 representatives and to all other departments of the State of
13 Illinois which shall require such information for the proper
14 discharge of their official duties. Failure to file with the
15 Commission any of the reports required in this Section is a
16 petty offense.

17 Except as provided in this paragraph, all reports filed
18 hereunder shall be confidential and any person having access to
19 such records filed with the Illinois Workers' Compensation
20 Commission as herein required, who shall release any
21 information therein contained including the names or otherwise
22 identify any persons sustaining injuries or disabilities, or
23 give access to such information to any unauthorized person,
24 shall be subject to discipline or discharge, and in addition
25 shall be guilty of a Class B misdemeanor. The Commission shall
26 compile and distribute to interested persons aggregate

1 statistics, taken from the reports filed hereunder. The
2 aggregate statistics shall not give the names or otherwise
3 identify persons sustaining injuries or disabilities or the
4 employer of any injured or 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 Section 995. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 996. No revival or extension. This Act does not
9 revive or extend any Section or Act otherwise repealed.

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.

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16	725 ILCS 105/10	from Ch. 38, par. 208-10
17	725 ILCS 173/15	
18	730 ILCS 5/3-2.7-25	
19	730 ILCS 5/3-2.7-50	
20	730 ILCS 5/3-10-2	from Ch. 38, par. 1003-10-2
21	730 ILCS 5/5-6-1	from Ch. 38, par. 1005-6-1
22	730 ILCS 5/5-6-2	from Ch. 38, par. 1005-6-2
23	730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1
24	730 ILCS 148/5	
25	730 ILCS 148/65	
26	730 ILCS 150/10	from Ch. 38, par. 230

1	730 ILCS 154/60	
2	735 ILCS 5/8-802	from Ch. 110, par. 8-802
3	735 ILCS 5/12-705	from Ch. 110, par. 12-705
4	735 ILCS 30/25-5-55	
5	735 ILCS 30/25-5-60	
6	740 ILCS 40/3	from Ch. 100 1/2, par. 16
7	740 ILCS 110/9.2	
8	740 ILCS 110/10	from Ch. 91 1/2, par. 810
9	750 ILCS 5/220	
10	750 ILCS 5/503	from Ch. 40, par. 503
11	750 ILCS 5/601	from Ch. 40, par. 601
12	750 ILCS 22/102	was 750 ILCS 22/101
13	750 ILCS 50/18.2	from Ch. 40, par. 1522.2
14	760 ILCS 35/1	from Ch. 148, par. 301
15	765 ILCS 77/5	
16	765 ILCS 170/5-10	
17	765 ILCS 205/1	from Ch. 109, par. 1
18	765 ILCS 605/18.8	
19	765 ILCS 605/18.9	
20	765 ILCS 745/3	from Ch. 80, par. 203
21	770 ILCS 60/35	from Ch. 82, par. 35
22	775 ILCS 5/2-101	from Ch. 68, par. 2-101
23	805 ILCS 105/112.10	from Ch. 32, par. 112.10
24	805 ILCS 180/35-40	
25	815 ILCS 5/11a	from Ch. 121 1/2, par. 137.11a
26	815 ILCS 414/1	was 720 ILCS 375/1

1 815 ILCS 414/2 was 720 ILCS 375/2
2 815 ILCS 505/2RRR
3 815 ILCS 505/2SSS
4 820 ILCS 175/10
5 820 ILCS 180/30
6 820 ILCS 275/5
7 820 ILCS 305/6 from Ch. 48, par. 138.6