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

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

Section 1. Nature of this Act.

(a) This Act may be cited as the First 2023 General Revisory Act.

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

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 In certain cases in which a repealed Act or Section has been replaced with a successor law, this Act may incorporate amendments to the repealed Act or Section into the successor law.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

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

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

(d) Public Acts 102-692 through 102-1118 were considered in the preparation of the combining revisories included in this Act. Many of those combining revisories contain no striking or underscoring because no additional changes are being made in the material that is being combined.

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.38 and 7 as follows:

(5 ILCS 80/4.38)

Sec. 4.38. Acts repealed on January 1, 2028. The following Acts are repealed on January 1, 2028:

The Acupuncture Practice Act.

The Behavior Analyst Licensing Act.

The Clinical Social Work and Social Work Practice Act.

The Dietitian Nutritionist Practice Act.

The Elevator Safety and Regulation Act.

The Fire Equipment Distributor and Employee Regulation Act of 2011.

The Funeral Directors and Embalmers Licensing Code.

The Home Medical Equipment and Services Provider License Act.

The Illinois Petroleum Education and Marketing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Music Therapy Licensing and Practice Act.

The Naprapathic Practice Act.

The Nurse Practice Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Pharmacy Practice Act.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act.

The Wholesale Drug Distribution Licensing Act.

(Source: P.A. 102-715, eff. 4-29-22; 102-878, eff. 5-13-22; 102-879, eff. 5-13-22; 102-880, eff. 5-13-22; 102-881, eff. 5-13-22; 102-882, eff. 5-13-22; 102-945, eff. 5-27-22; 102-953, eff. 5-27-22; 102-993, eff. 5-27-22; revised 7-27-22.)

(5 ILCS 80/7) (from Ch. 127, par. 1907)

Sec. 7. Additional criteria.

(a) In determining whether to recommend to the General Assembly under Section 5 the continuation of a regulatory agency or program or any function thereof, the Governor shall also consider the following criteria:

(1) whether the absence or modification of regulation would significantly harm or endanger the public health, safety or welfare;

(2) whether there is a reasonable relationship between the exercise of the State's police power and the protection of the public health, safety or welfare;

(3) whether there is another less restrictive method of regulation available which could adequately protect the public;

(4) whether the regulation has the effect of directly or indirectly increasing the costs of any goods or services involved, and if so, to what degree;

(5) whether the increase in cost is more harmful to the public than the harm which could result from the absence of regulation; and

(6) whether all facets of the regulatory process are designed solely for the purpose of, and have as their primary effect, the protection of the public.

(b) In making an evaluation or recommendation with respect to paragraph (3) of subsection (a), the Governor shall follow the following guidelines to address the following:

(1) Contractual disputes, including pricing disputes. The Governor may recommend enacting a specific civil cause of action in small claims ~~small-claims~~ court or district court to remedy consumer harm. This cause of action may provide for reimbursement of the attorney's fees or court

costs, if a consumer's claim is successful.

(2) Fraud. The Governor may recommend strengthening powers under the State's deceptive trade practices acts or requiring disclosures that will reduce misleading attributes of the specific good or service.

(3) General health and safety risks. The Governor may recommend enacting a regulation on the related process or requiring a facility license.

(4) Unclean facilities. The Governor may recommend requiring periodic facility inspections.

(5) A provider's failure to complete a contract fully or to standards. The Governor may recommend requiring the provider to be bonded.

(6) A lack of protection for a person who is not a party to a contract between providers and consumers. The Governor may recommend requiring that the provider have insurance.

(7) Transactions with transient, out-of-state, or fly-by-night providers. The Governor may recommend requiring the provider register its business with the Secretary of State.

(8) A shortfall or imbalance in the consumer's knowledge about the good or service relative to the provider's knowledge (asymmetrical information). The Governor may recommend enacting government certification.

(9) An inability to qualify providers of new or highly

specialized medical services for reimbursement by the State. The Governor may recommend enacting a specialty certification solely for medical reimbursement.

(10) A systematic information shortfall in which a reasonable consumer of the service is permanently unable to distinguish between the quality of providers and there is an absence of institutions that provide guidance to consumers. The Governor may recommend enacting an occupational license.

(11) The need to address multiple types of harm. The Governor may recommend a combination of regulations. This may include a government regulation combined with a private remedy, including third-party or consumer-created ratings and reviews or private certification.

(Source: P.A. 102-984, eff. 1-1-23; revised 12-8-22.)

(5 ILCS 80/4.33 rep.)

Section 6. The Regulatory Sunset Act is amended by repealing Section 4.33.

Section 10. The Illinois Administrative Procedure Act is amended by setting forth, renumbering, and changing multiple versions of Sections 5-45.21, 5-45.22, and 5-45.23 as follows:

(5 ILCS 100/5-45.21)

(Section scheduled to be repealed on April 19, 2023)

Sec. 5-45.21. Emergency rulemaking; Mental Health and Developmental Disabilities Administrative Act. To provide for the expeditious and timely implementation of the changes made to Section 74 of the Mental Health and Developmental Disabilities Administrative Act by Public Act 102-699 ~~this amendatory Act of the 102nd General Assembly~~, emergency rules implementing the changes made to Section 74 of the Mental Health and Developmental Disabilities Administrative Act by Public Act 102-699 ~~this amendatory Act of the 102nd General Assembly~~ may be adopted in accordance with Section 5-45 by the Department of Human Services or other department essential to the implementation of the changes. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on April 19, 2023 (one year after the effective date of Public Act 102-699) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

(5 ILCS 100/5-45.22)

(Section scheduled to be repealed on April 19, 2023)

Sec. 5-45.22. Emergency rulemaking; Illinois Public Aid Code. To provide for the expeditious and timely implementation of the changes made to Article 5 of the Illinois Public Aid Code by Public Act 102-699 ~~this amendatory Act of the 102nd General Assembly~~, emergency rules implementing the changes

made to Article 5 of the Illinois Public Aid Code by Public Act 102-699 ~~this amendatory Act of the 102nd General Assembly~~ may be adopted in accordance with Section 5-45 by the Department of Healthcare and Family Services or other department essential to the implementation of the changes. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on April 19, 2023 (one year after the effective date of Public Act 102-699) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

(5 ILCS 100/5-45.23)

(Section scheduled to be repealed on April 19, 2023)

Sec. 5-45.23. Emergency rulemaking; medical services for certain noncitizens. To provide for the expeditious and timely implementation of the changes made to Article 12 of the Illinois Public Aid Code by Public Act 102-699 ~~this amendatory Act of the 102nd General Assembly~~, emergency rules implementing the changes made to Section 12-4.35 of the Illinois Public Aid Code by Public Act 102-699 ~~this amendatory Act of the 102nd General Assembly~~ may be adopted in accordance with Section 5-45 by the Department of Healthcare and Family Services. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the

public interest, safety, and welfare.

This Section is repealed on April 19, 2023 (one year after the effective date of Public Act 102-699) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

(5 ILCS 100/5-45.28)

(Section scheduled to be repealed on April 19, 2023)

Sec. 5-45.28 ~~5-45.21~~. Emergency rulemaking. To provide for the expeditious and timely implementation of Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~, emergency rules implementing Sections 208.5 and 212.1 of the Illinois Income Tax Act may be adopted in accordance with Section 5-45 by the Department of Revenue. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on April 19, 2023 (one year after the effective date of Public Act 102-700) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

(5 ILCS 100/5-45.29)

Sec. 5-45.29 ~~5-45.21~~. (Repealed).

(Source: P.A. 102-1035, eff. 5-31-22. Repealed internally, eff. 9-30-22.)

(5 ILCS 100/5-45.30)

(Section scheduled to be repealed on June 2, 2023)

Sec. 5-45.30 ~~5-45.21~~. Emergency rulemaking; Certified Nursing Assistant Intern Program; Department of Public Health. To provide for the expeditious and timely implementation of Public Act 102-1037 ~~this amendatory Act of the 102nd General Assembly~~, emergency rules implementing Section 2310-434 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois may be adopted in accordance with Section 5-45 by the Department of Public Health. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on June 2, 2023 (one year after the effective date of Public Act 102-1037) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

(5 ILCS 100/5-45.31)

(Section scheduled to be repealed on April 19, 2023)

Sec. 5-45.31 ~~5-45.22~~. Emergency rulemaking. To provide for the expeditious and timely implementation of Article 95 of Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~, emergency rules implementing Article 95 of Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~

may be adopted in accordance with Section 5-45 by the Department of Agriculture. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on April 19, 2023 (one year after the effective date of Public Act 102-700) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

(5 ILCS 100/5-45.32)

(Section scheduled to be repealed on June 2, 2023)

Sec. 5-45.32 ~~5-45.22~~. Emergency rulemaking; Certified Nursing Assistant Intern Program; Department of Healthcare and Family Services. To provide for the expeditious and timely implementation of Public Act 102-1037 ~~this amendatory Act of the 102nd General Assembly~~, emergency rules implementing Section 5-5.01b of the Illinois Public Aid Code may be adopted in accordance with Section 5-45 by the Department of Healthcare and Family Services. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on June 2, 2023 (one year after the effective date of Public Act 102-1037) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

(5 ILCS 100/5-45.33)

(Section scheduled to be repealed on June 2, 2023)

Sec. 5-45.33 ~~5-45.23~~. Emergency rulemaking; medical services to noncitizens. To provide for the expeditious and timely implementation of changes made by Public Act 102-1037 ~~this amendatory Act of the 102nd General Assembly~~ to Section 12-4.35 of the Illinois Public Aid Code, emergency rules implementing the changes made by Public Act 102-1037 ~~this amendatory Act of the 102nd General Assembly~~ to Section 12-4.35 of the Illinois Public Aid Code may be adopted in accordance with Section 5-45 by the Department of Healthcare and Family Services. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on June 2, 2023 (one year after the effective date of Public Act 102-1037) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

Section 15. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7)

(Text of Section before amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public

record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to

privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of

witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of

Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations,

memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a

private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate

information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers,

and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other

information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance ~~self insurance~~ (including any

intergovernmental risk management association or self-insurance ~~self insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the

mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review

team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

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

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of

Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in

the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

(oo) ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,

eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public

records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial

hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic crashes, traffic crash reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law

enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel

files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of

Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information

obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced

by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical

documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and

information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance ~~self insurance~~ (including any intergovernmental risk management association or self-insurance ~~self insurance~~ pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a

community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of the School Code, and information about undergraduate

students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

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

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation

districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords,

and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) ~~(mm)~~ Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

(oo) ~~(mm)~~ Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20; 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff. 6-10-22; revised 12-13-22.)

Section 20. The Illinois Public Labor Relations Act is amended by changing Section 3 as follows:

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

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

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

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

(c) "Confidential employee" means an employee who, in the

regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies. Determinations of confidential employee status shall be based on actual employee job duties and not solely on written job descriptions.

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

(e) "Essential services employees" means those public employees performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the persons in the affected community.

(f) "Exclusive representative", except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Illinois State Police, means the labor organization that has been (i) designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit in accordance with the procedures contained in this Act; (ii) historically recognized by the State of Illinois or any political subdivision of the State before July 1, 1984 (the effective

date of this Act) as the exclusive representative of the employees in an appropriate bargaining unit; (iii) after July 1, 1984 (the effective date of this Act) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the employees in an appropriate bargaining unit; (iv) recognized as the exclusive representative of personal assistants under Executive Order 2003-8 prior to July 16, 2003 (the effective date of Public Act 93-204), and the organization shall be considered to be the exclusive representative of the personal assistants as defined in this Section; or (v) recognized as the exclusive representative of child and day care home providers, including licensed and license exempt providers, pursuant to an election held under Executive Order 2005-1 prior to January 1, 2006 (the effective date of Public Act 94-320), and the organization shall be considered to be the exclusive representative of the child and day care home providers as defined in this Section.

With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Illinois State Police, "exclusive representative" means the labor organization that has been (i) designated by the Board as the representative of a majority of peace officers or fire fighters in an appropriate bargaining unit in accordance with

the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before January 1, 1986 (the effective date of this amendatory Act of 1985) as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit, or (iii) after January 1, 1986 (the effective date of this amendatory Act of 1985) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit.

Where a historical pattern of representation exists for the workers of a water system that was owned by a public utility, as defined in Section 3-105 of the Public Utilities Act, prior to becoming certified employees of a municipality or municipalities once the municipality or municipalities have acquired the water system as authorized in Section 11-124-5 of the Illinois Municipal Code, the Board shall find the labor organization that has historically represented the workers to be the exclusive representative under this Act, and shall find the unit represented by the exclusive representative to be the appropriate unit.

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the

collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

(g-1) "Fire fighter" means, for the purposes of this Act only, any person who has been or is hereafter appointed to a fire department or fire protection district or employed by a state university and sworn or commissioned to perform fire fighter duties or paramedic duties, including paramedics employed by a unit of local government, except that the following persons are not included: part-time fire fighters, auxiliary, reserve or voluntary fire fighters, including paid on-call fire fighters, clerks and dispatchers or other civilian employees of a fire department or fire protection district who are not routinely expected to perform fire fighter duties, or elected officials.

(g-2) "General Assembly of the State of Illinois" means the legislative branch of the government of the State of Illinois, as provided for under Article IV of the Constitution of the State of Illinois, and includes, but is not limited to,

the House of Representatives, the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Joint Committee on Legislative Support Services, and any legislative support services agency listed in the Legislative Commission Reorganization Act of 1984.

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

(i) "Labor organization" means any organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(i-5) "Legislative liaison" means a person who is an employee of a State agency, the Attorney General, the Secretary of State, the Comptroller, or the Treasurer, as the case may be, and whose job duties require the person to regularly communicate in the course of his or her employment with any official or staff of the General Assembly of the State

of Illinois for the purpose of influencing any legislative action.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices. Determination of managerial employee status shall be based on actual employee job duties and not solely on written job descriptions. With respect only to State employees in positions under the jurisdiction of the Attorney General, Secretary of State, Comptroller, or Treasurer (i) that were certified in a bargaining unit on or after December 2, 2008, (ii) for which a petition is filed with the Illinois Public Labor Relations Board on or after April 5, 2013 (the effective date of Public Act 97-1172), or (iii) for which a petition is pending before the Illinois Public Labor Relations Board on that date, "managerial employee" means an individual who is engaged in executive and management functions or who is charged with the effectuation of management policies and practices or who represents management interests by taking or recommending discretionary actions that effectively control or implement policy. Nothing in this definition prohibits an individual from also meeting the definition of "supervisor" under subsection (r) of this Section.

(k) "Peace officer" means, for the purposes of this Act only, any persons who have been or are hereafter appointed to a

police force, department, or agency and sworn or commissioned to perform police duties, except that the following persons are not included: part-time police officers, special police officers, auxiliary police as defined by Section 3.1-30-20 of the Illinois Municipal Code, night watchmen, "merchant police", court security officers as defined by Section 3-6012.1 of the Counties Code, temporary employees, traffic guards or wardens, civilian parking meter and parking facilities personnel or other individuals specially appointed to aid or direct traffic at or near schools or public functions or to aid in civil defense or disaster, parking enforcement employees who are not commissioned as peace officers and who are not armed and who are not routinely expected to effect arrests, parking lot attendants, clerks and dispatchers or other civilian employees of a police department who are not routinely expected to effect arrests, or elected officials.

(l) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or the State of Illinois or any political subdivision of the State or governing body, but does not include the General Assembly of the State of Illinois or any individual employed by the General Assembly of the State of Illinois.

(m) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather

than routine mental, manual, mechanical or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual instruction and study prescribed in this subsection (m) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (m).

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including (i) interns and residents at public hospitals, (ii) as of July 16, 2003 (the effective date of Public Act 93-204), but not before, personal assistants working under the Home Services Program under Section 3 of the Rehabilitation of Persons with Disabilities Act, subject to the limitations set forth in this Act and in the Rehabilitation of Persons with Disabilities Act, (iii) as of January 1, 2006 (the effective date of Public Act 94-320), but not before, child and day care

home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code, (iv) as of January 29, 2013 (the effective date of Public Act 97-1158), but not before except as otherwise provided in this subsection (n), home care and home health workers who function as personal assistants and individual maintenance home health workers and who also work under the Home Services Program under Section 3 of the Rehabilitation of Persons with Disabilities Act, no matter whether the State provides those services through direct fee-for-service arrangements, with the assistance of a managed care organization or other intermediary, or otherwise, (v) beginning on July 19, 2013 (the effective date of Public Act 98-100) and notwithstanding any other provision of this Act, any person employed by a public employer and who is classified as or who holds the employment title of Chief Stationary Engineer, Assistant Chief Stationary Engineer, Sewage Plant Operator, Water Plant Operator, Stationary Engineer, Plant Operating Engineer, and any other employee who holds the position of: Civil Engineer V, Civil Engineer VI, Civil Engineer VII, Technical Manager I, Technical Manager II, Technical Manager III, Technical Manager IV, Technical Manager V, Technical Manager VI, Realty Specialist III, Realty Specialist IV, Realty Specialist V, Technical Advisor I, Technical Advisor II, Technical Advisor III, Technical Advisor

IV, or Technical Advisor V employed by the Department of Transportation who is in a position which is certified in a bargaining unit on or before July 19, 2013 (the effective date of Public Act 98-100), and (vi) beginning on July 19, 2013 (the effective date of Public Act 98-100) and notwithstanding any other provision of this Act, any mental health administrator in the Department of Corrections who is classified as or who holds the position of Public Service Administrator (Option 8K), any employee of the Office of the Inspector General in the Department of Human Services who is classified as or who holds the position of Public Service Administrator (Option 7), any Deputy of Intelligence in the Department of Corrections who is classified as or who holds the position of Public Service Administrator (Option 7), and any employee of the Illinois State Police who handles issues concerning the Illinois State Police Sex Offender Registry and who is classified as or holds the position of Public Service Administrator (Option 7), but excluding all of the following: employees of the General Assembly of the State of Illinois; elected officials; executive heads of a department; members of boards or commissions; the Executive Inspectors General; any special Executive Inspectors General; employees of each Office of an Executive Inspector General; commissioners and employees of the Executive Ethics Commission; the Auditor General's Inspector General; employees of the Office of the Auditor General's Inspector General; the Legislative Inspector

General; any special Legislative Inspectors General; employees of the Office of the Legislative Inspector General; commissioners and employees of the Legislative Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a state university and except peace officers employed by a school district in its own police department in existence on July 23, 2010 (the effective date of Public Act 96-1257); managerial employees; short-term employees; legislative liaisons; a person who is a State employee under the jurisdiction of the Office of the Attorney General who is licensed to practice law or whose position authorizes, either directly or indirectly, meaningful input into government decision-making on issues where there is room for principled disagreement on goals or their implementation; a person who is a State employee under the jurisdiction of the Office of the Comptroller who holds the position of Public Service Administrator or whose position is otherwise exempt under the Comptroller Merit Employment Code; a person who is a State employee under the jurisdiction of the Secretary of State who holds the position classification of Executive I or higher, whose position authorizes, either directly or indirectly, meaningful input into government decision-making on issues where there is room for principled

disagreement on goals or their implementation, or who is otherwise exempt under the Secretary of State Merit Employment Code; employees in the Office of the Secretary of State who are completely exempt from jurisdiction B of the Secretary of State Merit Employment Code and who are in Rutan-exempt positions on or after April 5, 2013 (the effective date of Public Act 97-1172); a person who is a State employee under the jurisdiction of the Treasurer who holds a position that is exempt from the State Treasurer Employment Code; any employee of a State agency who (i) holds the title or position of, or exercises substantially similar duties as a legislative liaison, Agency General Counsel, Agency Chief of Staff, Agency Executive Director, Agency Deputy Director, Agency Chief Fiscal Officer, Agency Human Resources Director, Public Information Officer, or Chief Information Officer and (ii) was neither included in a bargaining unit nor subject to an active petition for certification in a bargaining unit; any employee of a State agency who (i) is in a position that is Rutan-exempt, as designated by the employer, and completely exempt from jurisdiction B of the Personnel Code and (ii) was neither included in a bargaining unit nor subject to an active petition for certification in a bargaining unit; any term appointed employee of a State agency pursuant to Section 8b.18 or 8b.19 of the Personnel Code who was neither included in a bargaining unit nor subject to an active petition for certification in a bargaining unit; any employment position

properly designated pursuant to Section 6.1 of this Act; confidential employees; independent contractors; and supervisors except as provided in this Act.

Home care and home health workers who function as personal assistants and individual maintenance home health workers and who also work under the Home Services Program under Section 3 of the Rehabilitation of Persons with Disabilities Act shall not be considered public employees for any purposes not specifically provided for in Public Act 93-204 or Public Act 97-1158, including, but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Home care and home health workers who function as personal assistants and individual maintenance home health workers and who also work under the Home Services Program under Section 3 of the Rehabilitation of Persons with Disabilities Act shall not be covered by the State Employees Group Insurance Act of 1971.

Child and day care home providers shall not be considered public employees for any purposes not specifically provided for in Public Act 94-320, including, but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

Notwithstanding Section 9, subsection (c), or any other provisions of this Act, all peace officers above the rank of

captain in municipalities with more than 1,000,000 inhabitants shall be excluded from this Act.

(o) Except as otherwise in subsection (o-5), "public employer" or "employer" means the State of Illinois; any political subdivision of the State, unit of local government or school district; authorities including departments, divisions, bureaus, boards, commissions, or other agencies of the foregoing entities; and any person acting within the scope of his or her authority, express or implied, on behalf of those entities in dealing with its employees. As of July 16, 2003 (the effective date of Public Act 93-204), but not before, the State of Illinois shall be considered the employer of the personal assistants working under the Home Services Program under Section 3 of the Rehabilitation of Persons with Disabilities Act, subject to the limitations set forth in this Act and in the Rehabilitation of Persons with Disabilities Act. As of January 29, 2013 (the effective date of Public Act 97-1158), but not before except as otherwise provided in this subsection (o), the State shall be considered the employer of home care and home health workers who function as personal assistants and individual maintenance home health workers and who also work under the Home Services Program under Section 3 of the Rehabilitation of Persons with Disabilities Act, no matter whether the State provides those services through direct fee-for-service arrangements, with the assistance of a managed care organization or other intermediary, or otherwise,

but subject to the limitations set forth in this Act and the Rehabilitation of Persons with Disabilities Act. The State shall not be considered to be the employer of home care and home health workers who function as personal assistants and individual maintenance home health workers and who also work under the Home Services Program under Section 3 of the Rehabilitation of Persons with Disabilities Act, for any purposes not specifically provided for in Public Act 93-204 or Public Act 97-1158, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Home care and home health workers who function as personal assistants and individual maintenance home health workers and who also work under the Home Services Program under Section 3 of the Rehabilitation of Persons with Disabilities Act shall not be covered by the State Employees Group Insurance Act of 1971. As of January 1, 2006 (the effective date of Public Act 94-320)<u>,</u> but not before, the State of Illinois shall be considered the employer of the day and child care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided for in Public Act 94-320, including, but not limited to, purposes of vicarious liability

in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

"Public employer" or "employer" as used in this Act, however, does not mean and shall not include the General Assembly of the State of Illinois, the Executive Ethics Commission, the Offices of the Executive Inspectors General, the Legislative Ethics Commission, the Office of the Legislative Inspector General, the Office of the Auditor General's Inspector General, the Office of the Governor, the Governor's Office of Management and Budget, the Illinois Finance Authority, the Office of the Lieutenant Governor, the State Board of Elections, and educational employers or employers as defined in the Illinois Educational Labor Relations Act, except with respect to a state university in its employment of firefighters and peace officers and except with respect to a school district in the employment of peace officers in its own police department in existence on July 23, 2010 (the effective date of Public Act 96-1257). County boards and county sheriffs shall be designated as joint or co-employers of county peace officers appointed under the authority of a county sheriff. Nothing in this subsection (o) shall be construed to prevent the State Panel or the Local Panel from determining that employers are joint or co-employers.

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

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

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

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

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

(q) "Short-term employee" means an employee who is employed for less than 2 consecutive calendar quarters during

a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year.

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

(r) "Supervisor" is:

(1) An employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors notwithstanding. Determinations of supervisor status shall be based on actual employee job duties and not solely on written job descriptions. Nothing

in this definition prohibits an individual from also meeting the definition of "managerial employee" under subsection (j) of this Section. In addition, in determining supervisory status in police employment, rank shall not be determinative. The Board shall consider, as evidence of bargaining unit inclusion or exclusion, the common law enforcement policies and relationships between police officer ranks and certification under applicable civil service law, ordinances, personnel codes, or Division 2.1 of Article 10 of the Illinois Municipal Code, but these factors shall not be the sole or predominant factors considered by the Board in determining police supervisory status.

Notwithstanding the provisions of the preceding paragraph, in determining supervisory status in fire fighter employment, no fire fighter shall be excluded as a supervisor who has established representation rights under Section 9 of this Act. Further, in fire fighter units, employees shall consist of fire fighters of the highest rank of company officer and below. A company officer may be responsible for multiple companies or apparatus on a shift, multiple stations, or an entire shift. There may be more than one company officer per shift. If a company officer otherwise qualifies as a supervisor under the preceding paragraph, however, he or she shall not be included in the fire fighter unit. If there is no rank

between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors. All other ranks above that of the highest company officer shall be supervisors.

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

(s)(1) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Illinois State Police, a bargaining unit determined by the Board shall

not include both employees and supervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on July 1, 1984 (the effective date of this Act). With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Illinois State Police, a bargaining unit determined by the Board shall not include both supervisors and nonsupervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on January 1, 1986 (the effective date of this amendatory Act of 1985). A bargaining unit determined by the Board to contain peace officers shall contain no employees other than peace officers unless otherwise agreed to by the employer and the labor organization or labor organizations involved. Notwithstanding any other provision of this Act, a bargaining unit, including a historical bargaining unit, containing sworn peace officers of the Department of Natural Resources (formerly designated the Department of Conservation) shall contain no employees other than such sworn peace officers upon the effective date of this amendatory Act of 1990 or upon the expiration date of any collective bargaining agreement in effect upon the effective date of this amendatory Act of 1990 covering both such sworn peace officers and other employees.

(2) Notwithstanding the exclusion of supervisors from

bargaining units as provided in paragraph (1) of this subsection (s), a public employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units. This Act shall apply if the public employer chooses to bargain under this subsection.

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

(t) "Active petition for certification in a bargaining unit" means a petition for certification filed with the Board under one of the following case numbers: S-RC-11-110; S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074; S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054; S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014; S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004; S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220; S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178; S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088; S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060; S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040; S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;

S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012; S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156; S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or S-RC-07-100.

(Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21; 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; revised 6-13-22.)

Section 25. The Illinois Governmental Ethics Act is amended by changing Section 2-104 as follows:

(5 ILCS 420/2-104) (from Ch. 127, par. 602-104)

Sec. 2-104. No legislator may accept or participate in any way in any representation case, as that term is defined in Section 1-113, before (1) the Court of Claims of this State or (2) ~~before~~ the Illinois Workers' Compensation Commission, when the State of Illinois is the respondent.

This Section does not prohibit participation in such a representation case by a person with whom the legislator maintains a close economic association, unless the fact of that association is used to influence or attempt to influence the State agency in the rendering of its decision.

A violation of this Section is a Class A misdemeanor.

(Source: P.A. 93-721, eff. 1-1-05; revised 6-13-22.)

Section 30. The Illinois TRUST Act is amended by changing Sections 10 and 15 as follows:

(5 ILCS 805/10)

Sec. 10. Definitions. In this Act:

"Citizenship or immigration status" means all matters regarding citizenship of the United States or any other country or the authority to reside in or otherwise be present in the United States.

"Civil immigration warrant" means any document that is not approved or ordered by a judge that can form the basis for an individual's arrest or detention for a civil immigration enforcement purpose. "Civil immigration warrant" includes Form I-200 "Warrant for the Arrest of Alien", Form I-203 "Order to Detain or Release Alien", Form I-205 "Warrant of Removal/Deportation", Form I-286 "Notice of Custody Determination", any predecessor or successor form, and all warrants, hits, or requests contained in the "Immigration Violator File" of the FBI's National Crime Information Center (NCIC) database. "Civil immigration warrant" does not include any criminal warrant.

"Contact information" means home address, work address, telephone number, electronic mail address, social media information, or any other personal identifying information that could be used as a means to contact an individual.

"Immigration agent" means an agent of federal Immigration and Customs Enforcement, federal Customs and Border Protection, or any similar or successor agency.

"Immigration detainer" means a request to a State or local law enforcement agency to provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, including detainers issued under Sections 1226 or 1357 of Title 8 of the United States Code or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. "Immigration detainer" includes Form I-247A "Immigration Detainer – Notice of Action" and any predecessor or successor form.

"Law enforcement agency" means an agency of the State or of a unit of local government charged with enforcement of State, county, or municipal laws or with managing custody of detained persons in the State.

"Law enforcement official" means any individual with the power to arrest or detain individuals, including law enforcement officers, corrections officers ~~officer~~, and others employed or designated by a law enforcement agency. "Law enforcement official" includes any probation officer.

(Source: P.A. 102-234, eff. 8-2-21; revised 9-13-22.)

(5 ILCS 805/15)

Sec. 15. Prohibition on enforcing federal civil immigration laws.

(a) A law enforcement agency or law enforcement official shall not detain or continue to detain any individual solely on the basis of any immigration detainer or civil immigration

warrant or otherwise comply with an immigration detainer or civil immigration warrant.

(b) A law enforcement agency or law enforcement official shall not stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status.

(c) (Blank).

(d) A law enforcement agency or law enforcement official acting in good faith in compliance with this Section who releases a person subject to an immigration detainer or civil immigration warrant shall have immunity from any civil or criminal liability that might otherwise occur as a result of making the release, with the exception of willful or wanton misconduct.

(e) A law enforcement agency or law enforcement official may not inquire about or investigate the citizenship or immigration status or place of birth of any individual in the agency or official's custody or who has otherwise been stopped or detained by the agency or official. Nothing in this subsection shall be construed to limit the ability of a law enforcement agency or law enforcement official, pursuant to State or federal law, to notify a person in the law enforcement agency's custody about that person's right to communicate with consular officers from that person's country of nationality, or facilitate such communication, in accordance with the Vienna Convention on Consular Relations or other bilateral

agreements. Nothing in this subsection shall be construed to limit the ability of a law enforcement agency or law enforcement official to request evidence of citizenship or immigration status pursuant to the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, Article 24 of the Criminal Code of 2012, or 18 United States Code Sections 921 through 931.

(f) Unless otherwise limited by federal law, a law enforcement agency or law enforcement official may not deny services, benefits, privileges, or opportunities to an individual in custody or under probation status, including, but not limited to, eligibility for or placement in a lower custody classification, educational, rehabilitative, or diversionary programs, on the basis of the individual's citizenship or immigration status, the issuance of an immigration detainer or civil immigration warrant against the individual, or the individual being in immigration removal proceedings.

(g)(1) No law enforcement agency, law enforcement official, or any unit of State or local government may enter into or renew any contract, intergovernmental service agreement, or any other agreement to house or detain individuals for federal civil immigration violations.

(2) Any law enforcement agency, law enforcement official, or unit of State or local government with an existing contract, intergovernmental agreement, or other agreement,

whether in whole or in part, that is utilized to house or detain individuals for civil immigration violations shall exercise the termination provision in the agreement as applied to housing or detaining individuals for civil immigration violations no later than January 1, 2022.

(h) Unless presented with a federal criminal warrant, or otherwise required by federal law, a law enforcement agency or official may not:

(1) participate, support, or assist in any capacity with an immigration agent's enforcement operations, including any collateral assistance such as coordinating an arrest in a courthouse or other public facility, providing use of any equipment, transporting any individuals, or establishing a security or traffic perimeter surrounding such operations, or any other on-site support;

(2) give any immigration agent access, including by telephone, to any individual who is in that agency's custody;

(3) transfer any person into an immigration agent's custody;

(4) permit immigration agents use of agency facilities or equipment, including any agency electronic databases not available to the public, for investigative interviews or other investigative or immigration enforcement purpose;

(5) enter into or maintain any agreement regarding

direct access to any electronic database or other data-sharing platform maintained by any law enforcement agency, or otherwise provide such direct access to the U.S. Immigration and Customs Enforcement, United States Customs and Border Protection or any other federal entity enforcing civil immigration violations;

(6) provide information in response to any immigration agent's inquiry or request for information regarding any individual in the agency's custody; or

(7) provide to any immigration agent information not otherwise available to the public relating to an individual's release or contact information, or otherwise facilitate for an immigration agent to apprehend or question an individual for immigration enforcement.

(i) Nothing in this Section shall preclude a law enforcement official from otherwise executing that official's duties in investigating violations of criminal law and cooperating in such investigations with federal and other law enforcement agencies (including criminal investigations conducted by federal Homeland Security Investigations (HSI)) in order to ensure public safety.

(Source: P.A. 102-234, eff. 8-2-21; revised 9-14-22.)

Section 35. The First Responders Suicide Prevention Act is amended by changing Section 40 as follows:

(5 ILCS 840/40)

Sec. 40. Task Force recommendations.

(a) Task Force members shall recommend that agencies and organizations guarantee access to mental health and wellness services, including, but not limited to, peer support programs and providing ongoing education related to the ever-evolving concept of mental health wellness. These recommendations could be accomplished by:

(1) Revising agencies' and organizations' employee assistance programs (EAPs).

(2) Urging health care providers to replace outdated healthcare plans and include more progressive options catering to the needs and disproportionate risks shouldered by our first responders.

(3) Allocating funding or resources for public service announcements (PSA) and messaging campaigns aimed at raising awareness of available assistance options.

(4) Encouraging agencies and organizations to attach lists of all available resources to training manuals and continuing education requirements.

(b) Task Force members shall recommend agencies and organizations sponsor or facilitate first responders with specialized training in the areas of psychological fitness, depressive disorders, early detection, and mitigation best practices. Such trainings could be accomplished by:

(1) Assigning, appointing, or designating one member

of an agency or organization to attend specialized training(s) sponsored by an accredited agency, association, or organization recognized in their fields of study.

(2) Seeking sponsorships or conducting fund-raisers, to host annual or semiannual on-site visits from qualified clinicians or physicians to provide early detection training techniques, or to provide regular access to mental health professionals.

(3) Requiring a minimum number of hours of disorders and wellness training be incorporated into reoccurring, annual or biannual training standards, examinations, and curriculums, taking into close consideration respective agency or organization size, frequency, and number of all current federal and state mandatory examinations and trainings expected respectively.

(4) Not underestimating the crucial importance of a balanced diet, sleep, mindfulness-based stress reduction techniques, moderate and vigorous intensity activities, and recreational hobbies, which have been scientifically proven to play a major role in brain health and mental wellness.

(c) Task Force members shall recommend that administrators and leadership personnel solicit training services from evidence-based, data driven organizations. Organizations with personnel trained on the analytical review and interpretation

of specific fields related to the nature of first responders' exploits, such as PTSD, substance abuse, chronic state of duress. Task Force members shall further recommend funding for expansion and messaging campaigns of preliminary self-diagnosing technologies like the one described above. These objectives could be met by:

(1) Contacting an accredited agency, association, or organization recognized in the field or fields of specific study. Unbeknownst to the majority, many of the agencies and organizations listed above receive grants and allocations to assist communities with the very issues being discussed in this Section.

(2) Normalizing help-seeking behaviors for both first responders and their families through regular messaging and peer support outreach, beginning with academy curricula and continuing education throughout individuals' careers.

(3) Funding and implementing PSA campaigns that provide clear and concise calls to action about mental health and wellness, resiliency, help-seeking, treatment, and recovery.

(4) Promoting and raising awareness of not-for-profit ~~non-for-profit~~ organizations currently available to assist individuals in search of care and treatment. Organizations have intuitive user-friendly sites, most of which have mobile applications, so first responders can access at a

moment's notice. However, because of limited funds, these organizations have a challenging time of getting the word out there about their existence.

(5) Expanding Family and Medical Leave Act protections for individuals voluntarily seeking preventative treatment.

(6) Promoting and ensuring complete patient confidentiality protections.

(d) Task Force members shall recommend that agencies and organizations incorporate the following training components into already existing modules and educational curriculums. Doing so could be done by:

(1) Bolstering academy and school curricula by requiring depressive disorder training catered to PTSD, substance abuse, and early detection techniques training, taking into close consideration respective agency or organization size, and the frequency and number of all current federal and state mandatory examinations and trainings expected respectively.

(2) Continuing to allocate or match federal and state funds to maintain Mobile ~~Mobil~~ Training Units (MTUs).

(3) Incorporating a state certificate for peer support training into already exiting statewide curriculums and mandatory examinations, annual State Fire Marshal examinations, and physical fitness examinations. The subject matter of the certificate should have an emphasis

on mental health and wellness, as well as familiarization with topics ranging from clinical social work, clinical psychology, clinical behaviorist, and clinical psychiatry.

(4) Incorporating and performing statewide mental health check-ins during the same times as already mandated trainings. These checks are not to be compared or used as measures of fitness for duty evaluations or structured psychological examinations.

(5) Recommending comprehensive and evidence-based training on the importance of preventative measures on the topics of sleep, nutrition, mindfulness, and physical movement.

(6) Law enforcement agencies should provide training on the Firearm Owner's Identification Card Act, including seeking relief from the Illinois State Police under Section 10 of the Firearm Owners Identification Card Act and a FOID card being a continued condition of employment under Section 7.2 of the Uniform Peace Officers' Disciplinary Act.

(Source: P.A. 102-352, eff. 6-1-22; revised 8-8-22.)

Section 40. The Election Code is amended by changing Sections 7-13, 7-16, 7-42, 7-43, 7-59, 7-61, 8-8, 10-14, 16-3, and 16-5.01 as follows:

(10 ILCS 5/7-13) (from Ch. 46, par. 7-13)

Sec. 7-13. The board of election commissioners in cities of 500,000 or more population having such board, shall constitute an electoral board for the hearing and passing upon objections to nomination petitions for ward committeepersons.

Except as otherwise provided in this Code, such objections shall be filed in the office of the county clerk within 5 business days after the last day for filing nomination papers. The objection shall state the name and address of the objector, who may be any qualified elector in the ward, the specific grounds of objection and the relief requested of the electoral board. Upon the receipt of the objection, the county clerk shall forthwith transmit such objection and the petition of the candidate to the board of election commissioners. The board of election commissioners shall forthwith notify the objector and candidate objected to of the time and place for hearing hereon. After a hearing upon the validity of such objections, the board shall certify to the county clerk its decision stating whether or not the name of the candidate shall be printed on the ballot and the county clerk in his or her certificate to the board of election commissioners shall leave off of the certificate the name of the candidate for ward committeeperson that the election commissioners order not to be printed on the ballot. However, the decision of the board of election commissioners is subject to judicial review as provided in Section 10-10.1.

The county electoral board composed as provided in Section

10-9 shall constitute an electoral board for the hearing and passing upon objections to nomination petitions for precinct and township committeepersons. Such objections shall be filed in the office of the county clerk within 5 business days after the last day for filing nomination papers. The objection shall state the name and address of the objector who may be any qualified elector in the precinct or in the township or part of a township that lies outside of a city having a population of 500,000 or more, the specific grounds of objection and the relief requested of the electoral board. Upon the receipt of the objection the county clerk shall forthwith transmit such objection and the petition of the candidate to the chair of the county electoral board. The chair of the county electoral board shall forthwith notify the objector, the candidate whose petition is objected to and the other members of the electoral board of the time and place for hearing thereon. After hearing upon the validity of such objections the board shall certify its decision to the county clerk stating whether or not the name of the candidate shall be printed on the ballot, and the county clerk, in his or her certificate to the board of election commissioners, shall leave off of the certificate the name of the candidate ordered by the board not to be printed on the ballot, and the county clerk shall also refrain from printing on the official primary ballot, the name of any candidate whose name has been ordered by the electoral board not to be printed on the ballot. However, the decision of the

board is subject to judicial review as provided in Section 10-10.1.

In such proceedings the electoral boards have the same powers as other electoral boards under the provisions of Section 10-10 of this Code ~~Act~~ and their decisions are subject to judicial review under Section 10-10.1.

(Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

(10 ILCS 5/7-16) (from Ch. 46, par. 7-16)

Sec. 7-16. Each election authority in each county shall prepare and cause to be printed the primary ballot of each political party for each precinct in his respective jurisdiction.

Except as otherwise provided in this Code, the election authority shall, at least 45 days prior to the date of the primary election, have a sufficient number of ballots printed so that such ballots will be available for mailing 45 days prior to the primary election to persons who have filed application for a ballot under the provisions of Article 20 of this Code ~~Act~~.

(Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

(10 ILCS 5/7-42) (from Ch. 46, par. 7-42)

Sec. 7-42. (a) Any person entitled to vote at such primary shall, on the day of such primary, with the consent of his employer, be entitled to absent himself from any service or

employment in which he is then engaged or employed for a period of 2 ~~two~~ hours between the time of opening and closing the polls. The employer may specify the hours during which said employee ~~employe~~ may absent himself.

(b) Beginning the 15th day before the primary election or on the day of the primary election, any student entitled to vote at such primary shall be entitled to be absent from school for a period of 2 hours during the school day in order to vote. The school may specify the hours during which the eligible student may be absent. A student who is absent from school under this subsection (b) is not considered absent for the purpose of calculating enrollment under Section 18-8.15 of the School Code.

(Source: P.A. 101-624, eff. 6-1-20; revised 8-23-22.)

(10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

Sec. 7-43. Every person having resided in this State 6 months and in the precinct 30 days next preceding any primary therein who shall be a citizen of the United States of the age of 18 or more years shall be entitled to vote at such primary.

The following regulations shall be applicable to primaries:

No person shall be entitled to vote at a primary:

(a) Unless he declares his party affiliations as required by this Article.

(b) (Blank).

(c) (Blank).

(c.5) If that person has participated in the town political party caucus, under Section 45-50 of the Township Code, of another political party by signing an affidavit of voters attending the caucus within 45 days before the first day of the calendar month in which the primary is held.

(d) (Blank).

In cities, villages, and incorporated towns having a board of election commissioners, only voters registered as provided by Article 6 of this Code ~~Act~~ shall be entitled to vote at such primary.

No person shall be entitled to vote at a primary unless he is registered under the provisions of Article ~~Articles~~ 4, 5, or 6 of this Code ~~Act~~, when his registration is required by any of said Articles to entitle him to vote at the election with reference to which the primary is held.

A person (i) who filed a statement of candidacy for a partisan office as a qualified primary voter of an established political party or (ii) who voted the ballot of an established political party at a general primary election may not file a statement of candidacy as a candidate of a different established political party, a new political party, or as an independent candidate for a partisan office to be filled at the general election immediately following the general primary

for which the person filed the statement or voted the ballot. A person may file a statement of candidacy for a partisan office as a qualified primary voter of an established political party regardless of any prior filing of candidacy for a partisan office or voting the ballot of an established political party at any prior election.

(Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

(10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

Sec. 7-59. (a) The person receiving the highest number of votes at a primary as a candidate of a party for the nomination for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the election then next ensuing; provided~~,~~ that where there are 2 ~~two~~ or more persons to be nominated for the same office or board, the requisite number of persons receiving the highest number of votes shall be nominated, and their names shall be placed on the official ballot at the following election.

Except as otherwise provided by Section 7-8 of this Code ~~Act~~, the person receiving the highest number of votes of his party for State central committeeperson of his congressional district shall be declared elected State central committeeperson from said congressional district.

Unless a national political party specifies that delegates and alternate delegates to a National nominating convention be

allocated by proportional selection representation according to the results of a Presidential preference primary, the requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions from the State at large, and the requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions in their respective congressional districts shall be declared elected delegates and alternate delegates to the National nominating conventions of their party.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 shall select its congressional district delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in each congressional district in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 shall select its at large delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results

of a Presidential preference primary in the whole State in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

The person receiving the highest number of votes of his party for precinct committeeperson of his precinct shall be declared elected precinct committeeperson from said precinct.

The person receiving the highest number of votes of his party for township committeeperson of his township or part of a township as the case may be, shall be declared elected township committeeperson from said township or part of a township as the case may be. In cities where ward committeepersons are elected, the person receiving the highest number of votes of his party for ward committeeperson of his ward shall be declared elected ward committeeperson from said ward.

When 2 ~~two~~ or more persons receive an equal and the highest number of votes for the nomination for the same office or for committeeperson of the same political party, or where more than one person of the same political party is to be nominated as a candidate for office or committeeperson, if it appears that more than the number of persons to be nominated for an office or elected committeeperson have the highest and an equal number of votes for the nomination for the same office or for election as committeeperson, the election authority by which the returns of the primary are canvassed shall decide by

lot which of said persons shall be nominated or elected, as the case may be. In such case the election authority shall issue notice in writing to such persons of such tie vote stating therein the place, the day (which shall not be more than 5 days thereafter) and the hour when such nomination or election shall be so determined.

(b) Except as otherwise provided in this Code, write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 61 days prior to the primary. However, whenever an objection to a candidate's nominating papers or petitions for any office is sustained under Section 10-10 after the 61st day before the election, then write-in votes shall be counted for that candidate if he or she has filed a notarized declaration of intent to be a write-in candidate for that office with the proper election authority or authorities not later than 7 days prior to the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the election authorities. Such declaration shall specify the office for which the person seeks nomination or election as a write-in candidate.

The election authority or authorities shall deliver a list of all persons who have filed such declarations to the election judges in the appropriate precincts prior to the primary.

(c) (1) Notwithstanding any other provisions of this Section, where the number of candidates whose names have been printed on a party's ballot for nomination for or election to an office at a primary is less than the number of persons the party is entitled to nominate for or elect to the office at the primary, a person whose name was not printed on the party's primary ballot as a candidate for nomination for or election to the office, is not nominated for or elected to that office as a result of a write-in vote at the primary unless the number of votes he received equals or exceeds the number of signatures required on a petition for nomination for that office; or unless the number of votes he receives exceeds the number of votes received by at least one of the candidates whose names were printed on the primary ballot for nomination for or election to the same office.

(2) Paragraph (1) of this subsection does not apply where the number of candidates whose names have been printed on the party's ballot for nomination for or election to the office at the primary equals or exceeds the number of persons the party is entitled to nominate for or elect to the office at the primary.

(Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

(10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

Sec. 7-61. Whenever a special election is necessary, the provisions of this Article are applicable to the nomination of

candidates to be voted for at such special election.

In cases where a primary election is required, the officer or board or commission whose duty it is under the provisions of this Code ~~Act~~ relating to general elections to call an election~~,~~ shall fix a date for the primary for the nomination of candidates to be voted for at such special election. Notice of such primary shall be given at least 15 days prior to the maximum time provided for the filing of petitions for such a primary as provided in Section 7-12.

Any vacancy in nomination under the provisions of this Article 7 occurring on or after the primary and prior to certification of candidates by the certifying board or officer~~,~~ must be filled prior to the date of certification. Any vacancy in nomination occurring after certification but prior to 15 days before the general election shall be filled within 8 days after the event creating the vacancy. The resolution filling the vacancy shall be sent by U. S. mail or personal delivery to the certifying officer or board within 3 days of the action by which the vacancy was filled; provided, if such resolution is sent by mail and the U. S. postmark on the envelope containing such resolution is dated prior to the expiration of such 3-day ~~3 day~~ limit, the resolution shall be deemed filed within such 3-day ~~3 day~~ limit. Failure to so transmit the resolution within the time specified in this Section shall authorize the certifying officer or board to certify the original candidate. Vacancies shall be filled by

the officers of a local municipal or township political party as specified in subsection (h) of Section 7-8, other than a statewide political party, that is established only within a municipality or township and the managing committee (or legislative committee in case of a candidate for State Senator or representative committee in the case of a candidate for State Representative in the General Assembly or State central committee in the case of a candidate for statewide office, including, but not limited to, the office of United States Senator) of the respective political party for the territorial area in which such vacancy occurs.

The resolution to fill a vacancy in nomination shall be duly acknowledged before an officer qualified to take acknowledgments ~~acknowledgements~~ of deeds and shall include, upon its face, the following information:

(a) the name of the original nominee and the office vacated;

(b) the date on which the vacancy occurred;

(c) the name and address of the nominee selected to fill the vacancy and the date of selection.

The resolution to fill a vacancy in nomination shall be accompanied by a Statement of Candidacy, as prescribed in Section 7-10, completed by the selected nominee and a receipt indicating that such nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.

The provisions of Section 10-8 through 10-10.1 relating to

objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall apply to and govern objections to resolutions for filling a vacancy in nomination.

Any vacancy in nomination occurring 15 days or less before the consolidated election or the general election shall not be filled. In this event, the certification of the original candidate shall stand and his name shall appear on the official ballot to be voted at the general election.

A vacancy in nomination occurs when a candidate who has been nominated under the provisions of this Article 7 dies before the election (whether death occurs prior to, on or after the day of the primary), or declines the nomination; provided that nominations may become vacant for other reasons.

If the name of no established political party candidate was printed on the consolidated primary ballot for a particular office and if no person was nominated as a write-in candidate for such office, a vacancy in nomination shall be created which may be filled in accordance with the requirements of this Section. Except as otherwise provided in this Code, if the name of no established political party candidate was printed on the general primary ballot for a particular office and if no person was nominated as a write-in candidate for such office, a vacancy in nomination shall be filled only by a person designated by the appropriate committee of the political party and only if that designated

person files nominating petitions with the number of signatures required for an established party candidate for that office within 75 days after the day of the general primary. The circulation period for those petitions begins on the day the appropriate committee designates that person. The person shall file his or her nominating petitions, statements of candidacy, notice of appointment by the appropriate committee, and receipt of filing his or her statement of economic interests together. These documents shall be filed at the same location as provided in Section 7-12. The electoral boards having jurisdiction under Section 10-9 to hear and pass upon objections to nominating petitions also shall hear and pass upon objections to nomination petitions filed by candidates under this paragraph.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at such primary election, is ineligible to be listed on the ballot at that general or consolidated election as a candidate of another political party.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus~~,~~ is ineligible to be listed on the ballot at that general or consolidated election as a candidate of another political party.

In the proceedings to nominate a candidate to fill a vacancy or to fill a vacancy in the nomination, each precinct, township, ward, county, or congressional district, as the case may be, shall, through its representative on such central or managing committee, be entitled to one vote for each ballot voted in such precinct, township, ward, county, or congressional district, as the case may be, by the primary electors of its party at the primary election immediately preceding the meeting at which such vacancy is to be filled.

For purposes of this Section, the words "certify" and "certification" shall refer to the act of officially declaring the names of candidates entitled to be printed upon the official ballot at an election and directing election authorities to place the names of such candidates upon the official ballot. "Certifying officers or board" shall refer to the local election official, the election authority, or the State Board of Elections, as the case may be, with whom nomination papers, including certificates of nomination and resolutions to fill vacancies in nomination, are filed and whose duty it is to "certify" candidates.

(Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

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

Sec. 8-8. Form of petition for nomination. The name of no candidate for nomination shall be printed upon the primary ballot unless a petition for nomination shall have been filed

in his behalf as provided for in this Section. Each such petition shall include as a part thereof the oath required by Section 7-10.1 of this Code ~~Act~~ and a statement of candidacy by the candidate filing or in whose behalf the petition is filed. This statement shall set out the address of such candidate and~~,~~ the office for which he is a candidate;~~,~~ shall state that the candidate is a qualified primary voter of the party to which the petition relates, is qualified for the office specified, and has filed a statement of economic interests as required by the Illinois Governmental Ethics Act;~~,~~ shall request that the candidate's name be placed upon the official ballot; and shall be subscribed and sworn by such candidate before some officer authorized to take acknowledgment of deeds in this State and may be in substantially the following form:

State of Illinois)

) ss.

County .....)

I, ..., being first duly sworn, say that I reside at .... street in the city (or village of) .... in the county of .... State of Illinois; that I am a qualified voter therein and am a qualified primary voter of .... party; that I am a candidate for nomination to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified to hold such office and that I have filed a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon

the official primary ballot for nomination for such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed .... (Official Character)

(Seal if officer has one.)

The receipt issued by the Secretary of State indicating that the candidate has filed the statement of economic interests required by the Illinois Governmental Ethics Act must be filed with the petitions for nomination as provided in subsection (8) of Section 7-12 of this Code.

Except as otherwise provided in this Code, all petitions for nomination for the office of State Senator shall be signed by at least 1,000 but not more than 3,000 of the qualified primary electors of the candidate's party in his legislative district.

Except as otherwise provided in this Code, all petitions for nomination for the office of Representative in the General Assembly shall be signed by at least 500 but not more than 1,500 of the qualified primary electors of the candidate's party in his or her representative district.

Opposite the signature of each qualified primary elector who signs a petition for nomination for the office of State Representative or State Senator such elector's residence address shall be written or printed. The residence address required to be written or printed opposite each qualified

primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county and city, village, or town.

For the purposes of this Section, the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for President of the United States were elected.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

In the affidavit at the bottom of each sheet, the petition circulator, who shall be a person 18 years of age or older who is a citizen of the United States, shall state his or her street address or rural route number, as the case may be, as well as his or her county, city, village or town, and state; and shall certify that the signatures on that sheet of the petition were signed in his or her presence; and shall certify that the signatures are genuine; and shall certify that, to the best of his or her knowledge and belief, the persons so signing were at the time of signing the petition qualified primary voters for which the nomination is sought.

In the affidavit at the bottom of each petition sheet, the petition circulator shall ~~either~~ (1) indicate the dates on which he or she circulated that sheet, or (2) indicate the

first and last dates on which the sheet was circulated, or (3) for elections where the petition circulation period is 90 days, certify that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition, or (4) for the 2022 general primary election only, certify that the signatures on the sheet were signed during the period of January 13, 2022 through March 14, 2022 or certify that the signatures on the sheet were signed during the period of January 13, 2022 through the date on which this statement was sworn or affirmed to. No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 8-9 for the filing of such petition.

All petition sheets which are filed with the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

(Source: P.A. 102-15, eff. 6-17-21; 102-692, eff. 1-7-22; revised 2-28-22.)

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

Sec. 10-14. Except as otherwise provided in this Code, not less than 74 days before the date of the general election the State Board of Elections shall certify to the county clerk of each county the name of each candidate whose nomination papers, certificate of nomination, or resolution to fill a vacancy in nomination has been filed with the State Board of Elections and direct the county clerk to place upon the official ballot for the general election the names of such candidates in the same manner and in the same order as shown upon the certification. The name of no candidate for an office to be filled by the electors of the entire state shall be placed upon the official ballot unless his name is duly certified to the county clerk upon a certificate signed by the members of the State Board of Elections. The names of group candidates on petitions shall be certified to the several county clerks in the order in which such names appear on such petitions filed with the State Board of Elections.

Except as otherwise provided in this Code, not less than 68 days before the date of the general election, each county clerk shall certify the names of each of the candidates for county offices whose nomination papers, certificates of nomination, or resolutions to fill a vacancy in nomination

have been filed with such clerk and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the general election in the same manner and in the same order as shown upon the certification. Each county clerk shall place a copy of the certification on file in his or her office and at the same time issue to the State Board of Elections a copy of such certification. In addition, each county clerk in whose county there is a board of election commissioners shall, not less than 69 days before the election, certify to the board of election commissioners the name of the person or persons nominated for such office as shown by the certificate of the State Board of Elections, together with the names of all other candidates as shown by the certification of county officers on file in the clerk's office, and in the order so certified. The county clerk or board of election commissioners shall print the names of the nominees on the ballot for each office in the order in which they are certified to or filed with the county clerk; provided, that in printing the name of nominees for any office, if any of such nominees have also been nominated by one or more political parties pursuant to this Code ~~Act~~, the location of the name of such candidate on the ballot for nominations made under this Article shall be precisely in the same order in which it appears on the certification of the State Board of Elections to the county clerk.

For the general election, the candidates of new political

parties shall be placed on the ballot for said election after the established political party candidates and in the order of new political party petition filings.

Each certification shall indicate, where applicable, the following:

(1) The political party affiliation, if any, of the candidates for the respective offices;

(2) If there is to be more than one candidate elected to an office from the State, political subdivision, or district;

(3) If the voter has the right to vote for more than one candidate for an office;

(4) The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political subdivision are for different terms.

The State Board of Elections or the county clerk, as the case may be, shall issue an amended certification whenever it is discovered that the original certification is in error.
(Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

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

Sec. 16-3. (a) The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Code ~~Act~~ and except as otherwise provided in this Code ~~Act~~ with respect to the odd year regular elections and the

emergency referenda; all nominations of any political party being placed under the party appellation or title of such party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for not more than three." If no candidate or candidates file for an office and if no person or persons file a declaration as a write-in candidate for that office, then below the title of that office the election authority instead shall print "No Candidate". When an electronic voting system is used which utilizes a ballot label booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an office appear on a page

which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or the word "independent" at the head of any column provided for independent candidates, shall be printed in letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be

printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of Elections to the several county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the

State Board of Elections shall be guilty of a Class C misdemeanor.

(b) When an electronic voting system is used which utilizes a ballot card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

WRITE-IN VOTES

(See card of instructions for specific information. Duplicate form below by hand for additional write-in votes.)

.....

Title of Office

( ) .....

Name of Candidate

Write-in lines equal to the number of candidates for which a voter may vote shall be printed for an office only if one or more persons filed declarations of intent to be write-in candidates or qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING".

(c) When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote. Write-in lines equal to the number of

candidates for which a voter may vote shall be printed for an office only if one or more persons filed declarations of intent to be write-in candidates or qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING".

(d) When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped, in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall be of paper through which no writing or punches may be discerned and shall be of sufficient

length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

(e) In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition for nomination, nomination papers, or certificate of nomination for that office, whichever is applicable, then (i) the candidate's name on the ballot must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list

date of each such name change)" and (ii) the petition, papers, or certificate must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage or civil union to assume a spouse's surname, or dissolution of marriage or civil union or declaration of invalidity of marriage or civil union to assume a former surname or a name change that conforms the candidate's name to his or her gender identity. No other designation such as a political slogan, title, or degree or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname. For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including, but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(f) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (e) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (e) of this Section.

(g) If the State Board of Elections, a local election official, or an election authority removes a candidate's name designation from a ballot under subsection (f) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court.

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

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before January 1, 1986 (the effective date of Public Act 84-820) ~~this amendatory Act of 1985~~.

(Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

(10 ILCS 5/16-5.01) (from Ch. 46, par. 16-5.01)

Sec. 16-5.01. (a) Except as otherwise provided in this Code, the election authority shall, at least 46 days prior to

the date of any election at which federal officers are elected and 45 days prior to any other regular election, have a sufficient number of ballots printed so that such ballots will be available for mailing 45 days prior to the date of the election to persons who have filed application for a ballot under the provisions of Article 20 of this Code ~~Act~~.

(b) If at any election at which federal offices are elected or nominated the election authority is unable to comply with the provisions of subsection (a), the election authority shall mail to each such person, in lieu of the ballot, a Special Write-in Vote by Mail Voter's Blank Ballot. The Special Write-in Vote by Mail Voter's Blank Ballot shall be used at all elections at which federal officers are elected or nominated and shall be prepared by the election authority in substantially the following form:

Special Write-in Vote by Mail Voter's Blank Ballot

(To vote for a person, write the title of the office and his or her name on the lines provided. Place to the left of and opposite the title of office a square and place a cross (X) in the square.)

	Title of Office	Name of Candidate
( )		
( )		
( )		
( )		
( )		

( )

The election authority shall send with the Special Write-in Vote by Mail Voter's Blank Ballot a list of all referenda for which the voter is qualified to vote and all candidates for whom nomination papers have been filed and for whom the voter is qualified to vote. The voter shall be entitled to write in the name of any candidate seeking election and any referenda for which he or she is entitled to vote.

On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", the date of the election and a facsimile of the signature of the election authority who has caused the ballot to be printed.

The provisions of Article 20, insofar as they may be applicable to the Special Write-in Vote by Mail Voter's Blank Ballot, shall be applicable herein.

(c) Notwithstanding any provision of this Code or other law to the contrary, the governing body of a municipality may adopt, upon submission of a written statement by the municipality's election authority attesting to the administrative ability of the election authority to administer an election using a ranked ballot to the municipality's governing body, an ordinance requiring, and that municipality's election authority shall prepare, a ranked vote by mail ballot for municipal and township office candidates to be voted on in the consolidated election. This ranked ballot

shall be for use only by a qualified voter who either is a member of the United States military or will be outside of the United States on the consolidated primary election day and the consolidated election day. The ranked ballot shall contain a list of the titles of all municipal and township offices potentially contested at both the consolidated primary election and the consolidated election and the candidates for each office and shall permit the elector to vote in the consolidated election by indicating his or her order of preference for each candidate for each office. To indicate his or her order of preference for each candidate for each office, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number 2 for his or her second choice, and so forth so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ranked ballot. The voter shall not be required to indicate his or her preference for more than one candidate on the ranked ballot. The voter may not cast a write-in vote using the ranked ballot for the consolidated election. The election authority shall, if using the ranked vote by mail ballot authorized by this subsection, also prepare instructions for use of the ranked ballot. The ranked ballot for the consolidated election shall be mailed to the voter at the same time that the ballot for the consolidated primary election is mailed to the voter and the election authority shall accept the completed ranked

ballot for the consolidated election when the authority accepts the completed ballot for the consolidated primary election.

The voter shall also be sent a vote by mail ballot for the consolidated election for those races that are not related to the results of the consolidated primary election as soon as the consolidated election ballot is certified.

The State Board of Elections shall adopt rules for election authorities for the implementation of this subsection, including, but not limited to, the application for and counting of ranked ballots.

(Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

Section 45. The Disaster Relief Act is amended by changing Section 1 as follows:

(15 ILCS 30/1) (from Ch. 127, par. 293.1)

Sec. 1. As used in this Act:

"Disaster" has ~~shall have~~ the same meaning as provided in Section 4 of the Illinois Emergency Management Agency Act.

"Disaster area" means the area directly affected by or threatened with a disaster.

(Source: P.A. 102-955, eff. 1-1-23; revised 12-8-22.)

Section 50. The Governor's Office of New Americans Act is amended by changing Section 10 as follows:

(15 ILCS 55/10)

Sec. 10. State agency New American ~~Americans~~ Plans. Each State agency under the jurisdiction of the Governor shall develop a New American Plan that incorporates effective training and resources, ensures language access and culturally appropriate services, and includes administrative practices that reach out to and reflect the needs of the immigrant refugees. Each State agency under the jurisdiction of the Governor shall integrate guidance and recommendations made by the Governor's Office of New Americans statewide plan. Agency plans shall be submitted to the Governor's Office of New Americans for approval.

(Source: P.A. 102-1054, eff. 1-1-23; revised 12-8-22.)

Section 55. The State Treasurer Act is amended by changing Section 20 as follows:

(15 ILCS 505/20)

Sec. 20. State Treasurer administrative charge. The State Treasurer may retain an administrative charge for both the costs of services associated with the deposit of moneys that are remitted directly to the State Treasurer and the investment or safekeeping of funds by the State Treasurer. The administrative charges collected under this Section shall be deposited into the State Treasurer's Administrative Fund. The

amount of the administrative charges may be determined by the State Treasurer. Administrative charges from the deposit of moneys remitted directly to the State Treasurer shall not exceed 2% of the amount deposited. Administrative charges from the investment or safekeeping of funds by the State Treasurer shall be charged no more than monthly and the total amount charged per fiscal year shall not exceed $12,000,000 plus any amounts required as employer contributions under Section 14-131 of the Illinois Pension Code and Section 10 of the State Employees Group Insurance Act of 1971.

Administrative charges for the deposit of moneys shall apply to fines, fees, or other amounts remitted directly to the State Treasurer by circuit clerks, county clerks, and other entities for deposit into a fund in the State treasury. Administrative charges for the deposit of moneys do not apply to amounts remitted by State agencies or certified collection specialists as defined in 74 Ill. Adm. ~~Admin.~~ Code 1200.50. Administrative charges for the deposit of moneys shall apply only to any form of fines, fees, or other collections created on or after August 15, 2014 (the effective date of Public Act 98-965).

Moneys in the State Treasurer's Administrative Fund are subject to appropriation by the General Assembly.

(Source: P.A. 100-587, eff. 6-4-18; revised 2-28-22.)

Section 60. The Data Governance and Organization to

Support Equity and Racial Justice Act is amended by changing Section 20-15 as follows:

(20 ILCS 65/20-15)

Sec. 20-15. Data Governance and Organization to Support Equity and Racial Justice.

(a) On or before July 1, 2022 and each July 1 thereafter, the Board and the Department shall report statistical data on the racial, ethnic, age, sex, disability status, sexual orientation, gender identity, and primary or preferred language demographics of program participants for each major program administered by the Board or the Department. Except as provided in subsection (b), when reporting the data required under this Section, the Board or the Department shall use the same racial and ethnic classifications for each program, which shall include, but not be limited to, the following:

(1) American Indian and Alaska Native alone.

(2) Asian alone.

(3) Black or African American alone.

(4) Hispanic or Latino of any race.

(5) Native Hawaiian and Other Pacific Islander alone.

(6) White alone.

(7) Some other race alone.

(8) Two or more races.

The Board and the Department may further define, by rule, the racial and ethnic classifications, including, if

necessary, a classification of "No Race Specified".

(b) ~~(c)~~ If a program administered by the Board or the Department is subject to federal reporting requirements that include the collection and public reporting of statistical data on the racial and ethnic demographics of program participants, the Department may maintain the same racial and ethnic classifications used under the federal requirements if such classifications differ from the classifications listed in subsection (a).

(c) ~~(d)~~ The Department of Innovation and Technology shall assist the Board and the Department by establishing common technological processes and procedures for the Board and the Department to:

(1) Catalog data.

(2) Identify similar fields in datasets.

(3) Manage data requests.

(4) Share data.

(5) Collect data.

(6) Improve and clean data.

(7) Match data across the Board and Departments.

(8) Develop research and analytic agendas.

(9) Report on program participation disaggregated by race and ethnicity.

(10) Evaluate equitable outcomes for underserved populations in Illinois.

(11) Define common roles for data management.

(12) Ensure that all major programs can report disaggregated data by race, ethnicity, age, sex, disability status, sexual orientation, and gender identity, and primary or preferred language.

The Board and the Department shall use the common technological processes and procedures established by the Department of Innovation and Technology.

(d) ~~(c)~~ If the Board or the Department is unable to begin reporting the data required by subsection (a) by July 1, 2022, the Board or the Department shall state the reasons for the delay under the reporting requirements.

(e) ~~(f)~~ By no later than March 31, 2022, the Board and the Department shall provide a progress report to the General Assembly to disclose: (i) the programs and datasets that have been cataloged for which race, ethnicity, age, sex, disability status, sexual orientation, gender identity, and primary or preferred language have been standardized; and (ii) to the extent possible, the datasets and programs that are outstanding for each agency and the datasets that are planned for the upcoming year. On or before March 31, 2023, and each year thereafter, the Board and the Department ~~Departments~~ shall provide an updated report to the General Assembly.

(f) ~~(g)~~ By no later than October 31, 2021, the Governor's Office shall provide a plan to establish processes for input from the Board and the Department into processes outlined in subsection (c) ~~(b)~~. The plan shall incorporate ongoing efforts

at data interoperability within the Department and the governance established to support the P-20 Longitudinal Education Data System enacted by Public Act 96-107.

(g) ~~(h)~~ Nothing in this Section shall be construed to limit the rights granted to individuals or data sharing protections established under existing State and federal data privacy and security laws.

(Source: P.A. 101-654, eff. 3-8-21; 102-543, eff. 8-20-21; revised 2-4-23.)

Section 65. The Children and Family Services Act is amended by setting forth and renumbering multiple versions of Sections 5.26 and 5.46 and by changing Sections 7.4, 8, and 35.10 as follows:

(20 ILCS 505/5.26)

Sec. 5.26. Foster children; exit interviews.

(a) Unless clinically contraindicated, the Department shall ensure that an exit interview is conducted with every child age 5 and over who leaves a foster home.

(1) The interview shall be conducted by a caseworker, mental health provider, or clinician from the Department's Division of Clinical Practice.

(2) The interview shall be conducted within 5 days of the child's removal from the home.

(3) The interviewer shall comply with the provisions

of the Abused and Neglected Child Reporting Act if the child discloses abuse or neglect as defined by that Act.

(4) The interviewer shall immediately inform the licensing agency if the child discloses any information that would constitute a potential licensing violation.

(5) Documentation of the interview shall be (i) maintained in the foster parent's licensing file, (ii) maintained in the child's case file, (iii) included in the service plan for the child, and (iv) and provided to the child's guardian ad litem and attorney appointed under Section 2-17 of the Juvenile Court Act of 1987.

(6) The determination that an interview in compliance with this Section is clinically contraindicated shall be made by the caseworker, in consultation with the child's mental health provider, if any, and the caseworker's supervisor. If the child does not have a mental health provider, the caseworker shall request a consultation with the Department's Division of Clinical Practice regarding whether an interview is clinically contraindicated. The decision and the basis for the decision shall be documented in writing and shall be (i) maintained in the foster parent's licensing file, (ii) maintained in the child's case file, and (iii) attached as part of the service plan for the child.

(7) The information gathered during the interview shall be dependent on the age and maturity of the child and

the circumstances of the child's removal. The interviewer's observations and any information relevant to understanding the child's responses shall be recorded on the interview form. At a minimum, the interview shall address the following areas:

(A) How the child's basic needs were met in the home: who prepared food and was there sufficient food; whether the child had appropriate clothing; sleeping arrangements; supervision appropriate to the child's age and special needs; was the child enrolled in school; and did the child receive the support needed to complete his or her school work.

(B) Access to caseworker, therapist, or guardian ad litem: whether the child was able to contact these professionals and how.

(C) Safety and comfort in the home: how did the child feel in the home; was the foster parent affirming of the child's identity; did anything happen that made the child happy; did anything happen that was scary or sad; what happened when the child did something he or she should not have done; if relevant, how does the child think the foster parent felt about the child's family of origin, including parents and siblings; and was the foster parent supportive of the permanency goal.

(D) Normalcy: whether the child felt included in

the family; whether the child participated in extracurricular activities; whether the foster parent participated in planning for the child, including child and family team meetings and school meetings.

(b) The Department shall develop procedures, including an interview form, no later than January 1, 2023, to implement this Section.

(c) Beginning July 1, 2023 and quarterly thereafter, the Department shall post on its webpage a report summarizing the details of the exit interviews.

(Source: P.A. 102-763, eff. 1-1-23; revised 12-19-22.)

(20 ILCS 505/5.27)

(Section scheduled to be repealed on January 1, 2026)

Sec. 5.27 ~~5.26~~. Holistic Mental Health Care for Youth in Care Task Force.

(a) The Holistic Mental Health Care for Youth in Care Task Force is created. The Task Force shall review and make recommendations regarding mental health and wellness services provided to youth in care, including a program of holistic mental health services provided 30 days after the date upon which a youth is placed in foster care, in order to determine how to best meet the mental health needs of youth in care. Additionally, the Task Force shall:

(1) assess the capacity of State licensed mental health professionals to provide preventive mental health

care to youth in care;

(2) review the current payment rates for mental health providers serving the youth in care population;

(3) evaluate the process for smaller private practices and agencies to bill through managed care, evaluate delayed payments to mental health providers, and recommend improvements to make billing practices more efficient;

(4) evaluate the recruitment and retention of mental health providers who are persons of color to serve the youth in care population; and

(5) any other relevant subject and processes as deemed necessary by the Task Force.

(b) The Task Force shall have 9 members, comprised as follows:

(1) The Director of Healthcare and Family Services or the Director's designee.

(2) The Director of Children and Family Services or the Director's designee.

(3) A member appointed by the Governor from the Office of the Governor who has a focus on mental health issues.

(4) Two members from the House of Representatives, appointed one each by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(5) Two members of the Senate, appointed one each by the President of the Senate and the Minority Leader of the

Senate.

(6) One member who is a former youth in care, appointed by the Governor.

(7) One representative from the managed care entity managing the YouthCare program, appointed by the Director of Healthcare and Family Services.

Task Force members shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties.

(c) The Task Force shall meet at least once each month beginning no later than July 1, 2022 and at other times as determined by the Task Force. The Task Force may hold electronic meetings and a member of the Task Force shall be deemed present for the purposes of establishing a quorum and voting.

(d) The Department of Healthcare and Family Services, in conjunction with the Department of Children and Family Services, shall provide administrative and other support to the Task Force.

(e) The Task Force shall prepare and submit to the Governor and the General Assembly at the end of each quarter a report that summarizes its work and makes recommendations resulting from its study. The Task Force shall submit its final report to the Governor and the General Assembly no later than December 31, 2024. Upon submission of its final report, the Task Force is dissolved.

(f) This Section is repealed on January 1, 2026.

(Source: P.A. 102-898, eff. 5-25-22; revised 7-26-22.)

(20 ILCS 505/5.46)

Sec. 5.46. Application for Social Security benefits, Supplemental Security Income, Veterans benefits, and Railroad Retirement benefits.

(a) Definitions. As used in this Section:

"Benefits" means Social Security benefits, Supplemental Security Income, Veterans benefits, and Railroad Retirement benefits.

"Youth's attorney and guardian ad litem" means the person appointed as the youth's attorney or guardian ad litem in accordance with the Juvenile Court Act of 1987 in the proceeding in which the Department is appointed as the youth's guardian or custodian.

(b) Application for benefits.

(1) Upon receiving temporary custody or guardianship of a youth in care, the Department shall assess the youth to determine whether the youth may be eligible for benefits. If, after the assessment, the Department determines that the youth may be eligible for benefits, the Department shall ensure that an application is filed on behalf of the youth. The Department shall prescribe by rule how it will review cases of youth in care at regular intervals to determine whether the youth may have become

eligible for benefits after the initial assessment. The Department shall make reasonable efforts to encourage youth in care over the age of 18 who are likely eligible for benefits to cooperate with the application process and to assist youth with the application process.

(2) When applying for benefits under this Section for a youth in care the Department shall identify a representative payee in accordance with the requirements of 20 CFR 404.2021 and 416.621. If the Department is seeking to be appointed as the youth's representative payee, the Department must consider input, if provided, from the youth's attorney and guardian ad litem regarding whether another representative payee, consistent with the requirements of 20 CFR 404.2021 and 416.621, is available. If the Department serves as the representative payee for a youth over the age of 18, the Department shall request a court order, as described in subparagraph (C) of paragraph (1) of subsection (d) and in subparagraph (C) of paragraph (2) of subsection (d).

(c) Notifications. The Department shall immediately notify a youth over the age of 16, the youth's attorney and guardian ad litem, and the youth's parent or legal guardian or another responsible adult of:

(1) any application for or any application to become representative payee for benefits on behalf of a youth in care;

(2) any communications from the Social Security Administration, the U.S. Department of Veterans Affairs, or the Railroad Retirement Board pertaining to the acceptance or denial of benefits or the selection of a representative payee; and

(3) any appeal or other action requested by the Department regarding an application for benefits.

(d) Use of benefits. Consistent with federal law, when the Department serves as the representative payee for a youth receiving benefits and receives benefits on the youth's behalf, the Department shall:

(1) Beginning January 1, 2023, ensure that when the youth attains the age of 14 years and until the Department no longer serves as the representative payee, a minimum percentage of the youth's Supplemental Security Income benefits are conserved in accordance with paragraph (4) as follows:

(A) From the age of 14 through age 15, at least 40%.

(B) From the age of 16 through age 17, at least 80%.

(C) From the age of 18 through 20, 100%, when a court order has been entered expressly allowing the Department to have the authority to establish and serve as an authorized agent of the youth over the age of 18 with respect to an account established in

accordance with paragraph (4).

(2) Beginning January 1, 2024, ensure that when the youth attains the age of 14 years and until the Department no longer serves as the representative payee a minimum percentage of the youth's Social Security benefits, Veterans benefits, or Railroad Retirement benefits are conserved in accordance with paragraph (4) as follows:

(A) From the age of 14 through age 15, at least 40%.

(B) From the age of 16 through age 17, at least 80%.

(C) From the age of 18 through 20, 100%, when a court order has been entered expressly allowing the Department to have the authority to establish and serve as an authorized agent of the youth over the age of 18 with respect to an account established in accordance with paragraph (4).

(3) Exercise discretion in accordance with federal law and in the best interests of the youth when making decisions to use or conserve the youth's benefits that are less than or not subject to asset or resource limits under federal law, including using the benefits to address the youth's special needs and conserving the benefits for the youth's reasonably foreseeable future needs.

(4) Appropriately monitor any federal asset or resource limits for the benefits and ensure that the

youth's best interest is served by using or conserving the benefits in a way that avoids violating any federal asset or resource limits that would affect the youth's eligibility to receive the benefits, including:

(A) applying to the Social Security Administration to establish a Plan to Achieve Self-Support (PASS) Account for the youth under the Social Security Act and determining whether it is in the best interest of the youth to conserve all or parts of the benefits in the PASS account;

(B) establishing a 529 plan for the youth and conserving the youth's benefits in that account in a manner that appropriately avoids any federal asset or resource limits;

(C) establishing an Individual Development Account for the youth and conserving the youth's benefits in that account in a manner that appropriately avoids any federal asset or resource limits;

(D) establishing an ABLE account authorized by Section 529A of the Internal Revenue Code of 1986, for the youth and conserving the youth's benefits in that account in a manner that appropriately avoids any federal asset or resource limits;

(E) establishing a Social Security Plan to Achieve Self-Support account for the youth and conserving the youth's benefits in a manner that appropriately avoids

any federal asset or resource limits;

(F) establishing a special needs trust for the youth and conserving the youth's benefits in the trust in a manner that is consistent with federal requirements for special needs trusts and that appropriately avoids any federal asset or resource limits;

(G) if the Department determines that using the benefits for services for current special needs not already provided by the Department is in the best interest of the youth, using the benefits for those services;

(H) if federal law requires certain back payments of benefits to be placed in a dedicated account, complying with the requirements for dedicated accounts under 20 CFR 416.640(e); and

(I) applying any other exclusions from federal asset or resource limits available under federal law and using or conserving the youth's benefits in a manner that appropriately avoids any federal asset or resource limits.

(e) By July 1, 2024, the Department shall provide a report to the General Assembly regarding youth in care who receive benefits who are not subject to this Act. The report shall discuss a goal of expanding conservation of children's benefits to all benefits of all children of any age for whom

the Department serves as representative payee. The report shall include a description of any identified obstacles, steps to be taken to address the obstacles, and a description of any need for statutory, rule, or procedural changes.

(f) Accounting. The Department shall provide an annual accounting to the youth's attorney and guardian ad litem of how the youth's benefits have been used and conserved. In addition, within 10 business days of a request from a youth or the youth's attorney and guardian ad litem, the Department shall provide an accounting to the youth of how the youth's benefits have been used and conserved. The accounting shall include:

(1) The amount of benefits received on the youth's behalf since the most recent accounting and the date the benefits were received.

(2) Information regarding the youth's benefits and resources, including the youth's benefits, insurance, cash assets, trust accounts, earnings, and other resources.

(3) An accounting of the disbursement of benefit funds, including the date, amount, identification of payee, and purpose.

(4) Information regarding each request by the youth, the youth's attorney and guardian ad litem, or the youth's caregiver for disbursement of funds and a statement regarding the reason for not granting the request if the request was denied.

When the Department's guardianship of the youth is being terminated, the Department shall provide (i) a final accounting to the Social Security Administration, to the youth's attorney and guardian ad litem, and to either the person or persons who will assume guardianship of the youth or who is in the process of adopting the youth, if the youth is under 18, or to the youth, if the youth is over 18 and (ii) information to the parent, guardian, or youth regarding how to apply to become the representative payee. The Department shall adopt rules to ensure that the representative payee transitions occur in a timely and appropriate manner.

(g) Financial literacy. The Department shall provide the youth with financial literacy training and support, including specific information regarding the existence, availability, and use of funds conserved for the youth in accordance with this subsection, beginning by age 14. The literacy program and support services shall be developed in consultation with input from the Department's Statewide Youth Advisory Board.

(h) Adoption of rules. The Department shall adopt rules to implement the provisions of this Section by January 1, 2023.

(i) Reporting. No later than February 28, 2023, the Department shall file a report with the General Assembly providing the following information for State Fiscal Years 2019, 2020, 2021, and 2022 and annually beginning February 28, 2023, for the preceding fiscal year:

(1) The number of youth entering care.

(2) The number of youth entering care receiving each of the following types of benefits: Social Security benefits, Supplemental Security Income, Veterans benefits, Railroad Retirement benefits.

(3) The number of youth entering care for whom the Department filed an application for each of the following types of benefits: Social Security benefits, Supplemental Security Income, Veterans benefits, Railroad Retirement benefits.

(4) The number of youth entering care who were awarded each of the following types of benefits based on an application filed by the Department: Social Security benefits, Supplemental Security Income, Veterans benefits, Railroad Retirement benefits.

(j) Annually beginning December 31, 2023, the Department shall file a report with the General Assembly with the following information regarding the preceding fiscal year:

(1) the number of conserved accounts established and maintained for youth in care;

(2) the average amount conserved by age group; and

(3) the total amount conserved by age group.

(Source: P.A. 102-1014, eff. 5-27-22.)

(20 ILCS 505/5.47)

Sec. 5.47 ~~5.46~~. Extended Family Support Pilot Program. The Department may consult with independent partners to review

Extended Family Support Program services and advise if additional services are needed prior to the start of the pilot program required under this Section. Beginning January 1, 2023, the Department shall implement a 3-year pilot program of additional resources for families receiving Extended Family Support Program services from the Department for the purpose of supporting relative caregivers. These resources may include, but are not limited to: (i) wraparound case management services, (ii) home visiting services for caregivers with children under the age of 5, and (iii) parent mentors for caregivers with children over the age of 3.

The services for the Extended Family Support Program are expanded given the program's inclusion in the Family First Prevention Services Act's targeted populations. Other target populations include intact families, pregnant and parenting youth, reunification within 6 months, and post adoption and subsidized guardianship. Inclusion provides the array of evidence-based interventions included within the State's Family First Prevention Services plan. Funding through Title IV-E of the Social Security Act shall be spent on services to prevent children and youth who are candidates for foster care from coming into care and allow them to remain with their families. Given the inclusion of the Extended Family Support Program in the Family First Prevention Services Act, the program is a part of the independent evaluation of Family First Prevention Services. This includes tracking deflection

from foster care.

The resources provided by the pilot program are voluntary and refusing such resources shall not be used as evidence of neglect of a child.

The Department shall arrange for an independent evaluation of the pilot program to determine whether the pilot program is successfully supporting families receiving Extended Family Support Program services or Family First Prevention Program services and preventing entrance into the foster care system. This evaluation will support determining whether there is a long-term cost benefit to continuing the pilot program.

At the end of the 3-year pilot program, the Department shall submit a report to the General Assembly with its findings of the evaluation. The report shall state whether the Department intends to continue the pilot program and the rationale for its decision.

The Department may adopt rules and procedures to implement and administer this Section.

(Source: P.A. 102-1029, eff. 5-27-22; revised 7-26-22.)

(20 ILCS 505/7.4)

Sec. 7.4. Development and preservation of sibling relationships for children in care; placement of siblings; contact among siblings placed apart.

(a) Purpose and policy. The General Assembly recognizes that sibling relationships are unique and essential for a

person, but even more so for children who are removed from the care of their families and placed in the State child welfare system. When family separation occurs through State intervention, every effort must be made to preserve, support and nurture sibling relationships when doing so is in the best interest of each sibling. It is in the interests of foster children who are part of a sibling group to enjoy contact with one another, as long as the contact is in each child's best interest. This is true both while the siblings are in State care and after one or all of the siblings leave State care through adoption, guardianship, or aging out.

(b) Definitions. For purposes of this Section:

(1) Whenever a best interest determination is required by this Section, the Department shall consider the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987 and the Department's rules regarding Sibling Placement, 89 Ill. Adm. ~~111. Admin.~~ Code 301.70 and Sibling Visitation, 89 Ill. Adm. ~~111. Admin.~~ Code 301.220, and the Department's rules regarding Placement Selection Criteria, 89 Ill. Adm. ~~111. Admin.~~ Code 301.60.

(2) "Adopted child" means a child who, immediately preceding the adoption, was in the custody or guardianship of the Illinois Department of Children and Family Services under Article II of the Juvenile Court Act of 1987.

(3) "Adoptive parent" means a person who has become a

parent through the legal process of adoption.

(4) "Child" means a person in the temporary custody or guardianship of the Department who is under the age of 21.

(5) "Child placed in private guardianship" means a child who, immediately preceding the guardianship, was in the custody or guardianship of the Illinois Department of Children and Family Services under Article II of the Juvenile Court Act.

(6) "Contact" may include, but is not limited to visits, telephone calls, letters, sharing of photographs or information, e-mails, video conferencing, and other form of communication or contact.

(7) "Legal guardian" means a person who has become the legal guardian of a child who, immediately prior to the guardianship, was in the custody or guardianship of the Illinois Department of Children and Family Services under Article II of the Juvenile Court Act of 1987.

(8) "Parent" means the child's mother or father who is named as the respondent in proceedings conducted under Article II of the Juvenile Court Act of 1987.

(9) "Post Permanency Sibling Contact" means contact between siblings following the entry of a Judgment Order for Adoption under Section 14 of the Adoption Act regarding at least one sibling or an Order for Guardianship appointing a private guardian under Section 2-27 or the Juvenile Court Act of 1987, regarding at least

one sibling. Post Permanency Sibling Contact may include, but is not limited to, visits, telephone calls, letters, sharing of photographs or information, emails, video conferencing, and other form of communication or connection agreed to by the parties to a Post Permanency Sibling Contact Agreement.

(10) "Post Permanency Sibling Contact Agreement" means a written agreement between the adoptive parent or parents, the child, and the child's sibling regarding post permanency contact between the adopted child and the child's sibling, or a written agreement between the legal guardians, the child, and the child's sibling regarding post permanency contact between the child placed in guardianship and the child's sibling. The Post Permanency Sibling Contact Agreement may specify the nature and frequency of contact between the adopted child or child placed in guardianship and the child's sibling following the entry of the Judgment Order for Adoption or Order for Private Guardianship. The Post Permanency Sibling Contact Agreement may be supported by services as specified in this Section. The Post Permanency Sibling Contact Agreement is voluntary on the part of the parties to the Post Permanency Sibling Contact Agreement and is not a requirement for finalization of the child's adoption or guardianship. The Post Permanency Sibling Contract Agreement shall not be enforceable in any court of law or

administrative forum and no cause of action shall be brought to enforce the Agreement. When entered into, the Post Permanency Sibling Contact Agreement shall be placed in the child's Post Adoption or Guardianship case record and in the case file of a sibling who is a party to the agreement and who remains in the Department's custody or guardianship.

(11) "Sibling Contact Support Plan" means a written document that sets forth the plan for future contact between siblings who are in the Department's care and custody and residing separately. The goal of the Support Plan is to develop or preserve and nurture the siblings' relationships. The Support Plan shall set forth the role of the foster parents, caregivers, and others in implementing the Support Plan. The Support Plan must meet the minimum standards regarding frequency of in-person visits provided for in Department rule.

(12) "Siblings" means children who share at least one parent in common. This definition of siblings applies solely for purposes of placement and contact under this Section. For purposes of this Section, children who share at least one parent in common continue to be siblings after their parent's parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. For purposes of this Section, children who share at least

one parent in common continue to be siblings after a sibling is adopted or placed in private guardianship when the adopted child or child placed in private guardianship was in the Department's custody or guardianship under Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or private guardianship. For children who have been in the guardianship of the Department under Article II of the Juvenile Court Act of 1987, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department under Article II of the Juvenile Court Act of 1987, "siblings" includes a person who would have been considered a sibling prior to the adoption and siblings through adoption.

(c) No later than January 1, 2013, the Department shall promulgate rules addressing the development and preservation of sibling relationships. The rules shall address, at a minimum:

(1) Recruitment, licensing, and support of foster parents willing and capable of either fostering sibling groups or supporting and being actively involved in planning and executing sibling contact for siblings placed apart. The rules shall address training for foster parents, licensing workers, placement workers, and others as deemed necessary.

(2) Placement selection for children who are separated

from their siblings and how to best promote placements of children with foster parents or programs that can meet the children's needs, including the need to develop and maintain contact with siblings.

(3) State-supported guidance to siblings who have aged out of state care regarding positive engagement with siblings.

(4) Implementation of Post Permanency Sibling Contact Agreements for children exiting State care, including services offered by the Department to encourage and assist parties in developing agreements, services offered by the Department post permanency to support parties in implementing and maintaining agreements, and including services offered by the Department post permanency to assist parties in amending agreements as necessary to meet the needs of the children.

(5) Services offered by the Department for children who exited foster care prior to the availability of Post Permanency Sibling Contact Agreements, to invite willing parties to participate in a facilitated discussion, including, but not limited to, a mediation or joint team decision-making meeting, to explore sibling contact.

(d) The Department shall develop a form to be provided to youth entering care and exiting care explaining their rights and responsibilities related to sibling visitation while in care and post permanency.

(e) Whenever a child enters care or requires a new placement, the Department shall consider the development and preservation of sibling relationships.

(1) This subsection applies when a child entering care or requiring a change of placement has siblings who are in the custody or guardianship of the Department. When a child enters care or requires a new placement, the Department shall examine its files and other available resources and determine whether a sibling of that child is in the custody or guardianship of the Department. If the Department determines that a sibling is in its custody or guardianship, the Department shall then determine whether it is in the best interests of each of the siblings for the child needing placement to be placed with the sibling. If the Department determines that it is in the best interest of each sibling to be placed together, and the sibling's foster parent is able and willing to care for the child needing placement, the Department shall place the child needing placement with the sibling. A determination that it is not in a child's best interest to be placed with a sibling shall be made in accordance with Department rules, and documented in the file of each sibling.

(2) This subsection applies when a child who is entering care has siblings who have been adopted or placed in private guardianship. When a child enters care, the Department shall examine its files and other available

resources, including consulting with the child's parents, to determine whether a sibling of the child was adopted or placed in private guardianship from State care. The Department shall determine, in consultation with the child's parents, whether it would be in the child's best interests to explore placement with the adopted sibling or sibling in guardianship. Unless the parent objects, if the Department determines it is in the child's best interest to explore the placement, the Department shall contact the adoptive parents or guardians of the sibling, determine whether they are willing to be considered as placement resources for the child, and, if so, determine whether it is in the best interests of the child to be placed in the home with the sibling. If the Department determines that it is in the child's best interests to be placed in the home with the sibling, and the sibling's adoptive parents or guardians are willing and capable, the Department shall make the placement. A determination that it is not in a child's best interest to be placed with a sibling shall be made in accordance with Department rule, and documented in the child's file.

(3) This subsection applies when a child in Department custody or guardianship requires a change of placement, and the child has siblings who have been adopted or placed in private guardianship. When a child in care requires a new placement, the Department may consider placing the

child with the adoptive parent or guardian of a sibling under the same procedures and standards set forth in paragraph (2) of this subsection.

(4) When the Department determines it is not in the best interest of one or more siblings to be placed together the Department shall ensure that the child requiring placement is placed in a home or program where the caregiver is willing and able to be actively involved in supporting the sibling relationship to the extent doing so is in the child's best interest.

(f) When siblings in care are placed in separate placements, the Department shall develop a Sibling Contact Support Plan. The Department shall convene a meeting to develop the Support Plan. The meeting shall include, at a minimum, the case managers for the siblings, the foster parents or other care providers if a child is in a non-foster home placement and the child, when developmentally and clinically appropriate. The Department shall make all reasonable efforts to promote the participation of the foster parents. Parents whose parental rights are intact shall be invited to the meeting. Others, such as therapists and mentors, shall be invited as appropriate. The Support Plan shall set forth future contact and visits between the siblings to develop or preserve, and nurture the siblings' relationships. The Support Plan shall set forth the role of the foster parents and caregivers and others in implementing

the Support Plan. The Support Plan must meet the minimum standards regarding frequency of in-person visits provided for in Department rule. The Support Plan will be incorporated in the child's service plan and reviewed at each administrative case review. The Support Plan should be modified if one of the children moves to a new placement, or as necessary to meet the needs of the children. The Sibling Contact Support Plan for a child in care may include siblings who are not in the care of the Department, with the consent and participation of that child's parent or guardian.

(g) By January 1, 2013, the Department shall develop a registry so that placement information regarding adopted siblings and siblings in private guardianship is readily available to Department and private agency caseworkers responsible for placing children in the Department's care. When a child is adopted or placed in private guardianship from foster care the Department shall inform the adoptive parents or guardians that they may be contacted in the future regarding placement of or contact with siblings subsequently requiring placement.

(h) When a child is in need of an adoptive placement, the Department shall examine its files and other available resources and attempt to determine whether a sibling of the child has been adopted or placed in private guardianship after being in the Department's custody or guardianship. If the Department determines that a sibling of the child has been

adopted or placed in private guardianship, the Department shall make a good faith effort to locate the adoptive parents or guardians of the sibling and inform them of the availability of the child for adoption. The Department may determine not to inform the adoptive parents or guardians of a sibling of a child that the child is available for adoption only for a reason permitted under criteria adopted by the Department by rule, and documented in the child's case file. If a child available for adoption has a sibling who has been adopted or placed in guardianship, and the adoptive parents or guardians of that sibling apply to adopt the child, the Department shall consider them as adoptive applicants for the adoption of the child. The Department's final decision as to whether it will consent to the adoptive parents or guardians of a sibling being the adoptive parents of the child shall be based upon the welfare and best interest of the child. In arriving at its decision, the Department shall consider all relevant factors, including, but not limited to:

(1) the wishes of the child;

(2) the interaction and interrelationship of the child with the applicant to adopt the child;

(3) the child's need for stability and continuity of relationship with parent figures;

(4) the child's adjustment to his or her present home, school, and community;

(5) the mental and physical health of all individuals

involved;

(6) the family ties between the child and the child's relatives, including siblings;

(7) the background, age, and living arrangements of the applicant to adopt the child;

(8) a criminal background report of the applicant to adopt the child.

If placement of the child available for adoption with the adopted sibling or sibling in private guardianship is not feasible, but it is in the child's best interest to develop a relationship with his or her sibling, the Department shall invite the adoptive parents, guardian, or guardians for a mediation or joint team decision-making meeting to facilitate a discussion regarding future sibling contact.

(i) Post Permanency Sibling Contact Agreement. When a child in the Department's care has a permanency goal of adoption or private guardianship, and the Department is preparing to finalize the adoption or guardianship, the Department shall convene a meeting with the pre-adoptive parent or prospective guardian and the case manager for the child being adopted or placed in guardianship and the foster parents and case managers for the child's siblings, and others as applicable. The children should participate as is developmentally appropriate. Others, such as therapists and mentors, may participate as appropriate. At the meeting the Department shall encourage the parties to discuss sibling

contact post permanency. The Department may assist the parties in drafting a Post Permanency Sibling Contact Agreement.

(1) Parties to the Post Permanency Sibling Contact Agreement shall include:

(A) The adoptive parent or parents or guardian.

(B) The child's sibling or siblings, parents or guardians.

(C) The child.

(2) Consent of child 14 and over. The written consent of a child age 14 and over to the terms and conditions of the Post Permanency Sibling Contact Agreement and subsequent modifications is required.

(3) In developing this Agreement, the Department shall encourage the parties to consider the following factors:

(A) the physical and emotional safety and welfare of the child;

(B) the child's wishes;

(C) the interaction and interrelationship of the child with the child's sibling or siblings who would be visiting or communicating with the child, including:

(i) the quality of the relationship between the child and the sibling or siblings, and

(ii) the benefits and potential harms to the child in allowing the relationship or relationships to continue or in ending them;

(D) the child's sense of attachments to the birth sibling or siblings and adoptive family, including:

(i) the child's sense of being valued;

(ii) the child's sense of familiarity; and

(iii) continuity of affection for the child; and

(E) other factors relevant to the best interest of the child.

(4) In considering the factors in paragraph (3) of this subsection, the Department shall encourage the parties to recognize the importance to a child of developing a relationship with siblings including siblings with whom the child does not yet have a relationship; and the value of preserving family ties between the child and the child's siblings, including:

(A) the child's need for stability and continuity of relationships with siblings, and

(B) the importance of sibling contact in the development of the child's identity.

(5) Modification or termination of Post Permanency Sibling Contact Agreement. The parties to the agreement may modify or terminate the Post Permanency Sibling Contact Agreement. If the parties cannot agree to modification or termination, they may request the assistance of the Department of Children and Family Services or another agency identified and agreed upon by

the parties to the Post Permanency Sibling Contact Agreement. Any and all terms may be modified by agreement of the parties. Post Permanency Sibling Contact Agreements may also be modified to include contact with siblings whose whereabouts were unknown or who had not yet been born when the Judgment Order for Adoption or Order for Private Guardianship was entered.

(6) Adoptions and private guardianships finalized prior to the effective date of amendatory Act. Nothing in this Section prohibits the parties from entering into a Post Permanency Sibling Contact Agreement if the adoption or private guardianship was finalized prior to the effective date of this Section. If the Agreement is completed and signed by the parties, the Department shall include the Post Permanency Sibling Contact Agreement in the child's Post Adoption or Private Guardianship case record and in the case file of siblings who are parties to the agreement who are in the Department's custody or guardianship.

(Source: P.A. 97-1076, eff. 8-24-12; 98-463, eff. 8-16-13; revised 2-28-22.)

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

Sec. 8. Scholarships and fee waivers; tuition waiver.

(a) Each year the Department shall select a minimum of 53 students (at least 4 of whom shall be children of veterans) to

receive scholarships and fee waivers which will enable them to attend and complete their post-secondary education at a community college, university, or college. Youth shall be selected from among the youth for whom the Department has court-ordered legal responsibility, youth who aged out of care at age 18 or older, or youth formerly under care who have been adopted or who have been placed in private guardianship. Recipients must have earned a high school diploma from an accredited institution or a State of Illinois High School Diploma ~~or diploma~~ or have met the State criteria for high school graduation before the start of the school year for which they are applying for the scholarship and waiver. Scholarships and fee waivers shall be available to students for at least 5 years, provided they are continuing to work toward graduation. Unused scholarship dollars and fee waivers shall be reallocated to new recipients. No later than January 1, 2015, the Department shall promulgate rules identifying the criteria for "continuing to work toward graduation" and for reallocating unused scholarships and fee waivers. Selection shall be made on the basis of several factors, including, but not limited to, scholastic record, aptitude, and general interest in higher education. The selection committee shall include at least 2 individuals formerly under the care of the Department who have completed their post-secondary education. In accordance with this Act, tuition scholarships and fee waivers shall be available to such students at any university

or college maintained by the State of Illinois. The Department shall provide maintenance and school expenses, except tuition and fees, during the academic years to supplement the students' earnings or other resources so long as they consistently maintain scholastic records which are acceptable to their schools and to the Department. Students may attend other colleges and universities, if scholarships are awarded to them, and receive the same benefits for maintenance and other expenses as those students attending any Illinois State community college, university, or college under this Section. Beginning with recipients receiving scholarships and waivers in August 2014, the Department shall collect data and report annually to the General Assembly on measures of success, including (i) the number of youth applying for and receiving scholarships or waivers, (ii) the percentage of scholarship or waiver recipients who complete their college or university degree within 5 years, (iii) the average length of time it takes for scholarship or waiver recipients to complete their college or university degree, (iv) the reasons that scholarship or waiver recipients are discharged or fail to complete their college or university degree, (v) when available, youths' outcomes 5 years and 10 years after being awarded the scholarships or waivers, and (vi) budget allocations for maintenance and school expenses incurred by the Department.

(b) Youth shall receive a tuition and fee waiver to assist

them in attending and completing their post-secondary education at any community college, university, or college maintained by the State of Illinois if they are youth for whom the Department has court-ordered legal responsibility, youth who aged out of care at age 18 or older, or youth formerly under care who have been adopted and were the subject of an adoption assistance agreement or who have been placed in private guardianship and were the subject of a subsidized guardianship agreement.

To receive a waiver under this subsection, an applicant must:

(1) have earned a high school diploma from an accredited institution or a State of Illinois High School Diploma or have met the State criteria for high school graduation before the start of the school year for which the applicant is applying for the waiver;

(2) enroll in a qualifying post-secondary education before the applicant reaches the age of 26; and

(3) apply for federal and State grant assistance by completing the Free Application for Federal Student Aid.

The community college or public university that an applicant attends must waive any tuition and fee amounts that exceed the amounts paid to the applicant under the federal Pell Grant Program or the State's Monetary Award Program.

Tuition and fee waivers shall be available to a student for at least the first 5 years the student is enrolled in a

community college, university, or college maintained by the State of Illinois so long as the student makes satisfactory progress toward completing his or her degree. The age requirement and 5-year cap on tuition and fee waivers under this subsection shall be waived and eligibility for tuition and fee waivers shall be extended for any applicant or student who the Department determines was unable to enroll in a qualifying post-secondary school or complete an academic term because the applicant or student: (i) was called into active duty with the United States Armed Forces; (ii) was deployed for service in the United States Public Health Service Commissioned Corps; or (iii) volunteered in the Peace Corps or the AmeriCorps. The Department shall extend eligibility for a qualifying applicant or student by the total number of months or years during which the applicant or student served on active duty with the United States Armed Forces, was deployed for service in the United States Public Health Service Commissioned Corps, or volunteered in the Peace Corps or the AmeriCorps. The number of months an applicant or student served on active duty with the United States Armed Forces shall be rounded up to the next higher year to determine the maximum length of time to extend eligibility for the applicant or student.

The Department may provide the student with a stipend to cover maintenance and school expenses, except tuition and fees, during the academic years to supplement the student's

earnings or other resources so long as the student consistently maintains scholastic records which are acceptable to the student's school and to the Department.

The Department shall develop outreach programs to ensure that youths who qualify for the tuition and fee waivers under this subsection who are high school students in grades 9 through 12 or who are enrolled in a high school equivalency testing program are aware of the availability of the tuition and fee waivers.

(c) Subject to appropriation, the Department shall provide eligible youth an apprenticeship stipend to cover those costs associated with entering and sustaining through completion an apprenticeship, including, but not limited to fees, tuition for classes, work clothes, rain gear, boots, and occupation-specific tools. The following youth may be eligible for the apprenticeship stipend provided under this subsection: youth for whom the Department has court-ordered legal responsibility; youth who aged out of care at age 18 or older; or youth formerly under care who have been adopted and were the subject of an adoption assistance agreement or who have been placed in private guardianship and were the subject of a subsidized guardianship agreement.

To receive a stipend under this subsection, an applicant must:

(1) be enrolled in an apprenticeship training program approved or recognized by the Illinois Department of

Employment Security or an apprenticeship program approved by the United States Department of Labor;

(2) not be a recipient of a scholarship or fee waiver under subsection (a) or (b); and

(3) be under the age of 26 before enrolling in a qualified apprenticeship program.

Apprenticeship stipends shall be available to an eligible youth for a maximum of 5 years after the youth enrolls in a qualifying apprenticeship program so long as the youth makes satisfactory progress toward completing his or her apprenticeship. The age requirement and 5-year cap on the apprenticeship stipend provided under this subsection shall be extended for any applicant who the Department determines was unable to enroll in a qualifying apprenticeship program because the applicant: (i) was called into active duty with the United States Armed Forces; (ii) was deployed for service in the United States Public Health Service Commissioned Corps; or (iii) volunteered in the Peace Corps or the AmeriCorps. The Department shall extend eligibility for a qualifying applicant by the total number of months or years during which the applicant served on active duty with the United States Armed Forces, was deployed for service in the United States Public Health Service Commissioned Corps, or volunteered in the Peace Corps or the AmeriCorps. The number of months an applicant served on active duty with the United States Armed Forces shall be rounded up to the next higher year to determine the

maximum length of time to extend eligibility for the applicant.

The Department shall develop outreach programs to ensure that youths who qualify for the apprenticeship stipends under this subsection who are high school students in grades 9 through 12 or who are enrolled in a high school equivalency testing program are aware of the availability of the apprenticeship stipend.

(Source: P.A. 101-558, eff. 1-1-20; 102-1100, eff. 1-1-23; revised 12-8-22.)

(20 ILCS 505/35.10)

Sec. 35.10. Documents necessary for adult living. The Department shall assist a youth in care in identifying and obtaining documents necessary to function as an independent adult prior to the closure of the youth's case to terminate wardship as provided in Section 2-31 of the Juvenile Court Act of 1987. These necessary documents shall include, but not be limited to, any of the following:

(1) State identification card or driver's license.

(2) Social Security card.

(3) Medical records, including, but not limited to, health passport, dental records, immunization records, name and contact information for all current medical, dental, and mental health providers, and a signed certification that the Department provided the youth with

education on executing a healthcare power of attorney.

(4) Medicaid card or other health eligibility documentation.

(5) Certified copy of birth certificate.

(6) Any applicable religious documents.

(7) Voter registration card.

(8) Immigration, citizenship, or naturalization documentation, if applicable.

(9) Death certificates of parents, if applicable.

(10) Life book or compilation of personal history and photographs.

(11) List of known relatives with relationships, addresses, telephone numbers, and other contact information, with the permission of the involved relative.

(12) Resume.

(13) Educational records, including list of schools attended, and transcript, high school diploma, or State of Illinois High School Diploma.

(14) List of placements while in care.

(15) List of community resources with referral information, including the Midwest Adoption Center for search and reunion services for former youth in care, whether or not they were adopted, and the Illinois Chapter of Foster Care Alumni of America.

(16) All documents necessary to complete a Free Application for Federal Student Aid form, if applicable,

or an application for State financial aid.

(17) If applicable, a final accounting of the account maintained on behalf of the youth as provided under Section 5.46.

If a court determines that a youth in care no longer requires wardship of the court and orders the wardship terminated and all proceedings under the Juvenile Court Act of 1987 respecting the youth in care finally closed and discharged, the Department shall ensure that the youth in care receives a copy of the court's order.

(Source: P.A. 102-70, eff. 1-1-22; 102-1014, eff. 5-27-22; 102-1100, eff. 1-1-23; revised 12-13-22.)

Section 70. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-503 and by setting forth, renumbering, and changing multiple versions of Section 605-1095 as follows:

(20 ILCS 605/605-503)

Sec. 605-503. Entrepreneurship assistance centers.

(a) The Department shall establish and support, subject to appropriation, entrepreneurship assistance centers, including the issuance of grants, at career education agencies and not-for-profit corporations, including, but not limited to, local development corporations, chambers of commerce,

community-based business outreach centers, and other community-based organizations. The purpose of the centers shall be to train minority group members, women, individuals with a disability, dislocated workers, veterans, and youth entrepreneurs in the principles and practice of entrepreneurship in order to prepare those persons to pursue self-employment opportunities and to pursue a minority business enterprise or a women-owned business enterprise. The centers shall provide for training in all aspects of business development and small business management as defined by the Department.

(b) The Department shall establish criteria for selection and designation of the centers which shall include, but not be limited to:

(1) the level of support for the center from local post-secondary education institutions, businesses, and government;

(2) the level of financial assistance provided at the local and federal level to support the operations of the center;

(3) the applicant's understanding of program goals and objectives articulated by the Department;

(4) the plans of the center to supplement State and local funding through fees for services which may be based on a sliding scale based on ability to pay;

(5) the need for and anticipated impact of the center

on the community in which it will function;

(6) the quality of the proposed work plan and staff of the center; and

(7) the extent of economic distress in the area to be served.

(c) Each center shall:

(1) be operated by a board of directors representing community leaders in business, education, finance, and government;

(2) be incorporated as a not-for-profit corporation;

(3) be located in an area accessible to eligible clients;

(4) establish an advisory group of community business experts, at least one-half of whom shall be representative of the clientele to be served by the center, which shall constitute a support network to provide counseling and mentoring services to minority group members, women, individuals with a disability, dislocated workers, veterans, and youth entrepreneurs from the concept stage of development through the first one to 2 years of existence on a regular basis and as needed thereafter; and

(5) establish a referral system and linkages to existing area small business assistance programs and financing sources.

(d) Each entrepreneurship assistance center shall provide needed services to eligible clients, including, but not

limited to: (i) orientation and screening of prospective entrepreneurs; (ii) analysis of business concepts and technical feasibility; (iii) market analysis; (iv) management analysis and counseling; (v) business planning and financial planning assistance; (vi) referrals to financial resources; (vii) referrals to existing educational programs for training in such areas as marketing, accounting, and other training programs as may be necessary and available; and (viii) referrals to business incubator facilities, when appropriate, for the purpose of entering into agreements to access shared support services.

(e) Applications for grants made under this Section shall be made in the manner and on forms prescribed by the Department. The application shall include, but shall not be limited to:

(1) a description of the training programs available within the geographic area to be served by the center to which eligible clients may be referred;

(2) designation of a program director;

(3) plans for providing ongoing technical assistance to program graduates, including linkages with providers of other entrepreneurial assistance programs and with providers of small business technical assistance and services;

(4) a program budget, including matching funds, in-kind and otherwise, to be provided by the applicant;

and

(5) any other requirements as deemed necessary by the Department.

(f) Grants made under this Section shall be disbursed for payment of the cost of services and expenses of the program director, the instructors of the participating career education agency or not-for-profit corporation, the faculty and support personnel thereof, and any other person in the service of providing instruction and counseling in furtherance of the program.

(g) The Department shall monitor the performance of each entrepreneurial assistance center and require quarterly reports from each center at such time and in such a manner as prescribed by the Department.

The Department shall also evaluate the entrepreneurial assistance centers established under this Section and report annually beginning on January 1, 2023, and on or before January 1 of each year thereafter, the results of the evaluation to the Governor and the General Assembly. The report shall discuss the extent to which the centers serve minority group members, women, individuals with a disability, dislocated workers, veterans, and youth entrepreneurs; the extent to which the training program is coordinated with other assistance programs targeted to small and new businesses; the ability of the program to leverage other sources of funding and support; and the success of the program in aiding

entrepreneurs to start up new businesses, including the number of new business start-ups resulting from the program. The report shall recommend changes and improvements in the training program and in the quality of supplemental technical assistance offered to graduates of the training programs. The report shall be made available to the public on the Department's website. Between evaluation due dates, the Department shall maintain the necessary records and data required to satisfy the evaluation requirements.

(h) For purposes of this Section:

"Entrepreneurship assistance center" or "center" means the business development centers or programs which provide assistance to primarily minority group members, women, individuals with a disability, dislocated workers, veterans, and youth entrepreneurs under this Section.

"Disability" means, with respect to an individual: (i) a physical or mental impairment that substantially limits one or more of the major life activities of an individual; (ii) a record of such an impairment; or (iii) being regarded as having an impairment.

"Minority business enterprise" has the same meaning as provided for "minority-owned business" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Minority group member" has the same meaning as provided for "minority person" under Section 2 of the Business

Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Women-owned business enterprise" has the same meaning as provided for "women-owned business" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Veteran" means a person who served in and who has received an honorable or general discharge from, the United States Army, Navy, Air Force, Marines, Coast Guard, or reserves thereof, or who served in the Army National Guard, Air National Guard, or Illinois National Guard.

"Youth entrepreneur" means a person who is between the ages of 16 and 29 years old and ~~that~~ is seeking community support to start a business in Illinois.

(Source: P.A. 102-272, eff. 1-1-22; 102-821, eff. 1-1-23; revised 12-8-22.)

(20 ILCS 605/605-1095)

(Section scheduled to be repealed on December 31, 2024)

Sec. 605-1095. Hotel Jobs Recovery Grant Program.

(a) In 2019, the hotel industry in the State of Illinois directly employed more than 60,000 people and generated $4,000,000,000 in State and local taxes. During the first year of the COVID-19 pandemic, one in three hotel workers were laid off or furloughed, and hotels lost $3,600,000,000 in economic activity. Unlike other segments of the hospitality industry,

the hotel industry has not received any direct hotel-specific support from the federal government. Funds awarded under this Section will be used by hotels to support their workforce and recover from the COVID-19 pandemic.

(b) As used in this Section:

"Hotel" means any building or buildings in which the public may, for a consideration, obtain living quarters or~~,~~ sleeping or housekeeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes or courts, lodging houses, rooming houses, retreat centers, conference centers, and hunting lodges. "Hotel" does not include a short-term rental.

"Short-term rental" means a single-family dwelling, or a residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare, or similar joint property ownership arrangement, that is rented for a fee for less than 30 consecutive days. "Short-term rental" includes a vacation rental.

"Operator" and "room" have the meanings given to those terms in the Hotel Operators' Occupation Tax Act.

(c) The Department may receive State funds and, directly or indirectly, federal funds under the authority of legislation passed in response to the Coronavirus epidemic including, but not limited to, the American Rescue Plan Act of 2021, (Public Law 117-2) ("ARPA"); such funds shall be used in accordance with the ARPA legislation and other State and

federal law. Upon receipt or availability of such State or federal funds, and subject to appropriations for their use, the Department shall establish the Hotel Jobs Recovery Grant Program for the purpose of providing direct relief to hotels impacted by the COVID-19 pandemic. Based on an application filed by the hotel operator, the Department shall award a one-time grant in an amount of up to $1,500 for each room in the hotel. Every hotel in operation in the state prior to March 12, 2020 that remains in operation shall be eligible to apply for the grant. Grant awards shall be scaled based on a process determined by the Department, including reducing the grant amount by previous state and local relief provided to the business during the COVID-19 pandemic.

(d) Any operator who receives grant funds under this Section shall use a minimum of 80% of the funds on payroll costs, to the extent permitted by Section 9901 of ARPA, including, but not limited to, wages, benefits, and employer contributions to employee healthcare costs. The remaining funds shall be used on any other costs and losses permitted by ARPA.

(e) Within 12 months after receiving grant funds under this Section, the operator shall submit a written attestation to the Department acknowledging compliance with subsection (d).

(f) The Department may establish by rule administrative procedures for the grant program, including any application

procedures, grant agreements, certifications, payment methodologies, and other accountability measures that may be imposed upon participants in the program. The emergency rulemaking process may be used to promulgate the initial rules of the program following April 19, 2022 (the effective date of Public Act 102-699) ~~this amendatory Act of the 102nd General Assembly~~.

(g) The Department has the power to issue grants and enter into agreements with eligible hotels to carry out the purposes of this program.

(h) This Section is repealed on December 31, 2024.

(Source: P.A. 102-699, eff. 4-19-22; revised 7-27-22.)

(20 ILCS 605/605-1096)

Sec. 605-1096 ~~605-1095~~. Industrial Biotechnology Workforce Development Grant Program.

(a) The Industrial Biotechnology Workforce Development Grant Program is hereby established as a program to be implemented and administered by the Department. The Program shall provide grants for the purpose of fostering a well-trained and well-skilled industrial biotechnology workforce.

(b) Subject to appropriation, grants under the Program may be awarded on an annual basis for one or more of the following:

(1) industrial biotechnology apprenticeships or apprenticeship programs;

(2) industrial biotechnology talent pipeline management programs that emphasize business-oriented strategies to increase workforce competitiveness, improve workforce diversity, and expand a regional talent pool around high-growth industries;

(3) industrial biotechnology industry-aligned credential (digital badging) expansion programs to increase the number of workers with in-demand skills needed to obtain a job or advance within the workplace and for merging competency-based education with responsive workforce training strategies; and

(4) high school and community college industrial biotechnology career pathway and pre-apprenticeship program development.

(c) To be eligible for grants provided under the Program, an entity must be either: (i) a State-sponsored, university-affiliated laboratory or research institution conducting collaboratives or for-hire research in the development of biorenewable chemicals, bio-based polymers, materials, novel feeds, or additional value-added biorenewables; or (ii) a State-accredited university or community college. An eligible entity must establish that it plans to use grant funds for a purpose specifically provided under subsection (b).

(d) On or before January 31 of the next calendar year to occur after the last day of any State fiscal year in which the

Department of Commerce and Economic Opportunity receives State funding for the Program under this Section, the Department of Commerce and Economic Opportunity shall submit an annual report to the General Assembly and the Governor on the use of grant funds under the Program. The report shall include, but not be limited to: (i) the disbursement of grant funds, categorized by eligible entity; (ii) the number of persons enrolled in or taking advantage of a program established or maintained using grant funds; (iii) the number of persons completing a program established or maintained using grant funds; and (iv) the number of person gaining employment in the industrial biotechnology industry following completion of a program established or maintained using grant funds.

(e) The Department shall adopt all rules necessary for the implementation and administration of the Program under this Section.

(Source: P.A. 102-991, eff. 1-1-23; revised 12-29-22.)

Section 75. The Electric Vehicle Act is amended by changing Section 45 as follows:

(20 ILCS 627/45)

Sec. 45. Beneficial electrification.

(a) It is the intent of the General Assembly to decrease reliance on fossil fuels, reduce pollution from the transportation sector, increase access to electrification for

all consumers, and ensure that electric vehicle adoption and increased electricity usage and demand do not place significant additional burdens on the electric system and create benefits for Illinois residents.

(1) Illinois should increase the adoption of electric vehicles in the State to 1,000,000 by 2030.

(2) Illinois should strive to be the best state in the nation in which to drive and manufacture electric vehicles.

(3) Widespread adoption of electric vehicles is necessary to electrify the transportation sector, diversify the transportation fuel mix, drive economic development, and protect air quality.

(4) Accelerating the adoption of electric vehicles will drive the decarbonization of Illinois' transportation sector.

(5) Expanded infrastructure investment will help Illinois more rapidly decarbonize the transportation sector.

(6) Statewide adoption of electric vehicles requires increasing access to electrification for all consumers.

(7) Widespread adoption of electric vehicles requires increasing public access to charging equipment throughout Illinois, especially in low-income and environmental justice communities, where levels of air pollution burden tend to be higher.

(8) Widespread adoption of electric vehicles and charging equipment has the potential to provide customers with fuel cost savings and electric utility customers with cost-saving benefits.

(9) Widespread adoption of electric vehicles can improve an electric utility's electric system efficiency and operational flexibility, including the ability of the electric utility to integrate renewable energy resources and make use of off-peak generation resources that support the operation of charging equipment.

(10) Widespread adoption of electric vehicles should stimulate innovation, competition, and increased choices in charging equipment and networks and should also attract private capital investments and create high-quality jobs in Illinois.

(b) As used in this Section:

"Agency" means the Environmental Protection Agency.

"Beneficial electrification programs" means programs that lower carbon dioxide emissions, replace fossil fuel use, create cost savings, improve electric grid operations, reduce increases to peak demand, improve electric usage load shape, and align electric usage with times of renewable generation. All beneficial electrification programs shall provide for incentives such that customers are induced to use electricity at times of low overall system usage or at times when generation from renewable energy sources is high. "Beneficial

electrification programs" include a portfolio of the following:

(1) time-of-use electric rates;

(2) hourly pricing electric rates;

(3) optimized charging programs or programs that encourage charging at times beneficial to the electric grid;

(4) optional demand-response programs specifically related to electrification efforts;

(5) incentives for electrification and associated infrastructure tied to using electricity at off-peak times;

(6) incentives for electrification and associated infrastructure targeted to medium-duty and heavy-duty vehicles used by transit agencies;

(7) incentives for electrification and associated infrastructure targeted to school buses;

(8) incentives for electrification and associated infrastructure for medium-duty and heavy-duty government and private fleet vehicles;

(9) low-income programs that provide access to electric vehicles for communities where car ownership or new car ownership is not common;

(10) incentives for electrification in eligible communities;

(11) incentives or programs to enable quicker adoption

of electric vehicles by developing public charging stations in dense areas, workplaces, and low-income communities;

(12) incentives or programs to develop electric vehicle infrastructure that minimizes range anxiety, filling the gaps in deployment, particularly in rural areas and along highway corridors;

(13) incentives to encourage the development of electrification and renewable energy generation in close proximity in order to reduce grid congestion;

(14) offer support to low-income communities who are experiencing financial and accessibility barriers such that electric vehicle ownership is not an option; and

(15) other such programs as defined by the Commission.

"Black, indigenous, and people of color" or "BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Commission" means the Illinois Commerce Commission.

"Coordinator" means the Electric Vehicle Coordinator.

"Electric vehicle" means a vehicle that is exclusively powered by and refueled by electricity, must be plugged in to charge, and is licensed to drive on public roadways. "Electric vehicle" does not include electric mopeds, electric off-highway vehicles, or hybrid electric vehicles and

extended-range electric vehicles that are also equipped with conventional fueled propulsion or auxiliary engines.

"Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles.

"Environmental justice communities" means the definition of that term based on existing methodologies and findings, used and as may be updated by the Illinois Power Agency and its program administrator in the Illinois Solar for All Program.

"Equity investment eligible community" or "eligible community" means the geographic areas throughout Illinois which would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, "eligible community" means the following areas:

(1) areas where residents have been historically excluded from economic opportunities, including opportunities in the energy sector, as defined pursuant to Section 10-40 of the Cannabis Regulation and Tax Act; and

(2) areas where residents have been historically subject to disproportionate burdens of pollution, including pollution from the energy sector, as established by environmental justice communities as defined by the Illinois Power Agency pursuant to Illinois Power Agency Act, excluding any racial or ethnic indicators.

"Equity investment eligible person" or "eligible person"

means the persons who would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, "eligible person" means the following people:

(1) persons whose primary residence is in an equity investment eligible community;

(2) persons who are graduates of or currently enrolled in the foster care system; or

(3) persons who were formerly incarcerated.

"Low-income" means persons and families whose income does not exceed 80% of the state median income for the current State fiscal year as established by the U.S. Department of Health and Human Services.

"Make-ready infrastructure" means the electrical and construction work necessary between the distribution circuit to the connection point of charging equipment.

"Optimized charging programs" mean programs whereby owners of electric vehicles can set their vehicles to be charged based on the electric system's current demand, retail or wholesale market rates, incentives, the carbon or other pollution intensity of the electric generation mix, the provision of grid services, efficient use of the electric grid, or the availability of clean energy generation. Optimized charging programs may be operated by utilities as well as third parties.

(c) The Commission shall initiate a workshop process no

later than November 30, 2021 for the purpose of soliciting input on the design of beneficial electrification programs that the utility shall offer. The workshop shall be coordinated by the Staff of the Commission, or a facilitator retained by Staff, and shall be organized and facilitated in a manner that encourages representation from diverse stakeholders, including stakeholders representing environmental justice and low-income communities, and ensures equitable opportunities for participation, without requiring formal intervention or representation by an attorney.

The stakeholder workshop process shall take into consideration the benefits of electric vehicle adoption and barriers to adoption, including:

(1) the benefit of lower bills for customers who do not charge electric vehicles;

(2) benefits to the distribution system from electric vehicle usage;

(3) the avoidance and reduction in capacity costs from optimized charging and off-peak charging;

(4) energy price and cost reductions;

(5) environmental benefits, including greenhouse gas emission and other pollution reductions;

(6) current barriers to mass-market adoption, including cost of ownership and availability of charging stations;

(7) current barriers to increasing access among

populations that have limited access to electric vehicle ownership, communities significantly impacted by transportation-related pollution, and market segments that create disproportionate pollution impacts;

(8) benefits of and incentives for medium-duty and heavy-duty fleet vehicle electrification;

(9) opportunities for eligible communities to benefit from electrification;

(10) geographic areas and market segments that should be prioritized for electrification infrastructure investment.

The workshops shall consider barriers, incentives, enabling rate structures, and other opportunities for the bill reduction and environmental benefits described in this subsection.

The workshop process shall conclude no later than February 28, 2022. Following the workshop, the Staff of the Commission, or the facilitator retained by the Staff, shall prepare and submit a report, no later than March 31, 2022, to the Commission that includes, but is not limited to, recommendations for transportation electrification investment or incentives in the following areas:

(i) publicly accessible Level 2 and fast-charging stations, with a focus on bringing access to transportation electrification in densely populated areas and workplaces within eligible communities;

(ii) medium-duty and heavy-duty charging infrastructure used by government and private fleet vehicles that serve or travel through environmental justice or eligible communities;

(iii) medium-duty and heavy-duty charging infrastructure used in school bus operations, whether private or public, that primarily serve governmental or educational institutions, and also serve or travel through environmental justice or eligible communities;

(iv) public transit medium-duty and heavy-duty charging infrastructure, developed in consultation with public transportation agencies; and

(v) publicly accessible Level 2 and fast-charging stations targeted to fill gaps in deployment, particularly in rural areas and along State highway corridors.

The report must also identify the participants in the process, program designs proposed during the process, estimates of the costs and benefits of proposed programs, any material issues that remained unresolved at the conclusions of such process, and any recommendations for workshop process improvements. The report shall be used by the Commission to inform and evaluate the cost effectiveness and achievement of goals within the submitted Beneficial Electrification Plans.

(d) No later than July 1, 2022, electric utilities serving greater than 500,000 customers in the State shall file a Beneficial Electrification Plan with the Illinois Commerce

Commission for programs that start no later than January 1, 2023. The plan shall take into consideration recommendations from the workshop report described in this Section. Within 45 days after the filing of the Beneficial Electrification Plan, the Commission shall, with reasonable notice, open an investigation to consider whether the plan meets the objectives and contains the information required by this Section. The Commission shall determine if the proposed plan is cost-beneficial and in the public interest. When considering if the plan is in the public interest and determining appropriate levels of cost recovery for investments and expenditures related to programs proposed by an electric utility, the Commission shall consider whether the investments and other expenditures are designed and reasonably expected to:

(1) maximize total energy cost savings and rate reductions so that nonparticipants can benefit;

(2) address environmental justice interests by ensuring there are significant opportunities for residents and businesses in eligible communities to directly participate in and benefit from beneficial electrification programs;

(3) support at least a 40% investment of make-ready infrastructure incentives to facilitate the rapid deployment of charging equipment in or serving environmental justice, low-income, and eligible

communities; however, nothing in this subsection is intended to require a specific amount of spending in a particular geographic area;

(4) support at least a 5% investment target in electrifying medium-duty and heavy-duty school bus and diesel public transportation vehicles located in or serving environmental justice, low-income, and eligible communities in order to provide those communities and businesses with greater economic investment, transportation opportunities, and a cleaner environment so they can directly benefit from transportation electrification efforts; however, nothing in this subsection is intended to require a specific amount of spending in a particular geographic area;

(5) stimulate innovation, competition, private investment, and increased consumer choices in electric vehicle charging equipment and networks;

(6) contribute to the reduction of carbon emissions and meeting air quality standards, including improving air quality in eligible communities who disproportionately suffer from emissions from the medium-duty and heavy-duty transportation sector;

(7) support the efficient and cost-effective use of the electric grid in a manner that supports electric vehicle charging operations; and

(8) provide resources to support private investment in

charging equipment for uses in public and private charging applications, including residential, multi-family, fleet, transit, community, and corridor applications.

The plan shall be determined to be cost-beneficial if the total cost of beneficial electrification expenditures is less than the net present value of increased electricity costs (defined as marginal avoided energy, avoided capacity, and avoided transmission and distribution system costs) avoided by programs under the plan, the net present value of reductions in other customer energy costs, net revenue from all electric charging in the service territory, and the societal value of reduced carbon emissions and surface-level pollutants, particularly in environmental justice communities. The calculation of costs and benefits should be based on net impacts, including the impact on customer rates.

The Commission shall approve, approve with modifications, or reject the plan within 270 days from the date of filing. The Commission may approve the plan if it finds that the plan will achieve the goals described in this Section and contains the information described in this Section. Proceedings under this Section shall proceed according to the rules provided by Article IX of the Public Utilities Act. Information contained in the approved plan shall be considered part of the record in any Commission proceeding under Section 16-107.6 of the Public Utilities Act, provided that a final order has not been entered prior to the initial filing date. The Beneficial

Electrification Plan shall specifically address, at a minimum, the following:

(i) make-ready investments to facilitate the rapid deployment of charging equipment throughout the State, facilitate the electrification of public transit and other vehicle fleets in the light-duty, medium-duty, and heavy-duty sectors, and align with Agency-issued rebates for charging equipment;

(ii) the development and implementation of beneficial electrification programs, including time-of-use rates and their benefit for electric vehicle users and for all customers, optimized charging programs to achieve savings identified, and new contracts and compensation for services in those programs, through signals that allow electric vehicle charging to respond to local system conditions, manage critical peak periods, serve as a demand response or peak resource, and maximize renewable energy use and integration into the grid;

(iii) optional commercial tariffs utilizing alternatives to traditional demand-based rate structures to facilitate charging for light-duty, heavy-duty, ~~light duty, heavy duty,~~ and fleet electric vehicles;

(iv) financial and other challenges to electric vehicle usage in low-income communities, and strategies for overcoming those challenges, particularly in communities where and for people for whom car ownership is

not an option;

(v) methods of minimizing ratepayer impacts and exempting or minimizing, to the extent possible, low-income ratepayers from the costs associated with facilitating the expansion of electric vehicle charging;

(vi) plans to increase access to Level 3 Public Electric Vehicle Charging Infrastructure to serve vehicles that need quicker charging times and vehicles of persons who have no other access to charging infrastructure, regardless of whether those projects participate in optimized charging programs;

(vii) whether to establish charging standards for type of plugs eligible for investment or incentive programs, and if so, what standards;

(viii) opportunities for coordination and cohesion with electric vehicle and electric vehicle charging equipment incentives established by any agency, department, board, or commission of the State, any other unit of government in the State, any national programs, or any unit of the federal government;

(ix) ideas for the development of online tools, applications, and data sharing that provide essential information to those charging electric vehicles, and enable an automated charging response to price signals, emission signals, real-time renewable generation production, and other Commission-approved or

customer-desired indicators of beneficial charging times; and

(x) customer education, outreach, and incentive programs that increase awareness of the programs and the benefits of transportation electrification, including direct outreach to eligible communities.~~;~~

(e) Proceedings under this Section shall proceed according to the rules provided by Article IX of the Public Utilities Act. Information contained in the approved plan shall be considered part of the record in any Commission proceeding under Section 16-107.6 of the Public Utilities Act, provided that a final order has not been entered prior to the initial filing date.

(f) The utility shall file an update to the plan on July 1, 2024 and every 3 years thereafter. This update shall describe transportation investments made during the prior plan period, investments planned for the following 24 months, and updates to the information required by this Section. Beginning with the first update, the utility shall develop the plan in conjunction with the distribution system planning process described in Section 16-105.17, including incorporation of stakeholder feedback from that process.

(g) Within 35 days after the utility files its report, the Commission shall, upon its own initiative, open an investigation regarding the utility's plan update to investigate whether the objectives described in this Section

are being achieved. The Commission shall determine whether investment targets should be increased based on achievement of spending goals outlined in the Beneficial Electrification Plan and consistency with outcomes directed in the plan stakeholder workshop report. If the Commission finds, after notice and hearing, that the utility's plan is materially deficient, the Commission shall issue an order requiring the utility to devise a corrective action plan, subject to Commission approval, to bring the plan into compliance with the goals of this Section. The Commission's order shall be entered within 270 days after the utility files its annual report. The contents of a plan filed under this Section shall be available for evidence in Commission proceedings. However, omission from an approved plan shall not render any future utility expenditure to be considered unreasonable or imprudent. The Commission may, upon sufficient evidence, allow expenditures that were not part of any particular distribution plan. The Commission shall consider revenues from electric vehicles in the utility's service territory in evaluating the retail rate impact. The retail rate impact from the development of electric vehicle infrastructure shall not exceed 1% per year of the total annual revenue requirements of the utility.

(h) In meeting the requirements of this Section, the utility shall demonstrate efforts to increase the use of contractors and electric vehicle charging station installers that meet multiple workforce equity actions, including, but

not limited to:

(1) the business is headquartered in or the person resides in an eligible community;

(2) the business is majority owned by eligible person or the contractor is an eligible person;

(3) the business or person is certified by another municipal, State, federal, or other certification for disadvantaged businesses;

(4) the business or person meets the eligibility criteria for a certification program such as:

(A) certified under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act;

(B) certified by another municipal, State, federal, or other certification for disadvantaged businesses;

(C) submits an affidavit showing that the vendor meets the eligibility criteria for a certification program such as those in items (A) and (B); ~~or~~

(D) if the vendor is a nonprofit, meets any of the criteria in those in item (A), (B), or (C) with the exception that the nonprofit is not required to meet any criteria related to being a for-profit entity, or is controlled by a board of directors that consists of 51% or greater individuals who are equity investment eligible persons; or

(E) ensuring that program implementation contractors and electric vehicle charging station installers pay employees working on electric vehicle charging installations at or above the prevailing wage rate as published by the Department of Labor.

Utilities shall establish reporting procedures for vendors that ensure compliance with this subsection, but are structured to avoid, wherever possible, placing an undue administrative burden on vendors.

(i) Program data collection.

(1) In order to ensure that the benefits provided to Illinois residents and business by the clean energy economy are equitably distributed across the State, it is necessary to accurately measure the applicants and recipients of this Program. The purpose of this paragraph is to require the implementing utilities to collect all data from Program applicants and beneficiaries to track and improve equitable distribution of benefits across Illinois communities. The further purpose is to measure any potential impact of racial discrimination on the distribution of benefits and provide the utilities the information necessary to correct any discrimination through methods consistent with State and federal law.

(2) The implementing utilities shall collect demographic and geographic data for each applicant and each person or business awarded benefits or contracts

under this Program.

(3) The implementing utilities shall collect the following information from applicants and Program or procurement beneficiaries where applicable:

(A) demographic information, including racial or ethnic identity for real persons employed, contracted, or subcontracted through the program;

(B) demographic information, including racial or ethnic identity of business owners;

(C) geographic location of the residency of real persons or geographic location of the headquarters for businesses; and

(D) any other information necessary for the purpose of achieving the purpose of this paragraph.

(4) The utility shall publish, at least annually, aggregated information on the demographics of program and procurement applicants and beneficiaries. The utilities shall protect personal and confidential business information as necessary.

(5) The utilities shall conduct a regular review process to confirm the accuracy of reported data.

(6) On a quarterly basis, utilities shall collect data necessary to ensure compliance with this Section and shall communicate progress toward compliance to program implementation contractors and electric vehicle charging station installation vendors.

(7) Utilities filing Beneficial Electrification Plans under this Section shall report annually to the Illinois Commerce Commission and the General Assembly on how hiring, contracting, job training, and other practices related to its Beneficial electrification programs enhance the diversity of vendors working on such programs. These reports must include data on vendor and employee diversity.

(j) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 102-662, eff. 9-15-21; 102-820, eff. 5-13-22; revised 9-14-22.)

Section 80. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing Section 6-5 as follows:

(20 ILCS 687/6-5)

(Section scheduled to be repealed on December 31, 2025)

Sec. 6-5. Renewable Energy Resources and Coal Technology Development Assistance Charge.

(a) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (e) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public

Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Renewable Energy Resources and Coal Technology Development Assistance Charge. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.05 per month on each account for residential electric service as defined in Section 13 of the Energy Assistance Act;

(2) $0.05 per month on each account for residential gas service as defined in Section 13 of the Energy Assistance Act;

(3) $0.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act, which had less than 10 megawatts of peak demand during the previous calendar year;

(4) $0.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act, which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;

(5) $37.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act, which had 10 megawatts or

greater of peak demand during the previous calendar year; and

(6) $37.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act, which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(b) The Renewable Energy Resources and Coal Technology Development Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(c) Fifty percent of the moneys collected pursuant to this Section shall be deposited in the Renewable Energy Resources Trust Fund by the Department of Revenue. From those funds, $2,000,000 may be used annually by the Environmental Protection Agency to provide grants to the Illinois Green Economy Network for the purposes of funding education and training for renewable energy and energy efficiency technology and for the operation and services of the Illinois Green Economy Network. The remaining 50 percent of the moneys collected pursuant to this Section shall be deposited in the Coal Technology Development Assistance Fund by the Department of Revenue for the exclusive purposes of (1) capturing or sequestering carbon emissions produced by coal combustion; (2) supporting research on the capture and sequestration of carbon emissions produced by coal combustion; and (3) improving coal

miner safety.

(d) By the 20th day of the month following the month in which the charges imposed by this Section were collected, each utility and alternative retail electric supplier collecting charges pursuant to this Section shall remit to the Department of Revenue for deposit in the Renewable Energy Resources Trust Fund and the Coal Technology Development Assistance Fund all moneys received as payment of the charge provided for in this Section on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require.

If any payment provided for in this Section exceeds the utility or alternative ~~alternate~~ retail electric supplier's liabilities under this Act, as shown on an original return, the utility or alternative retail electric supplier may credit the excess payment against liability subsequently to be remitted to the Department of Revenue under this Act.

(e) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric or gas cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric or gas cooperative shall inform the Department of Revenue in writing

of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, its customers shall not be eligible for the Renewable Energy Resources Program.

(f) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(Source: P.A. 102-444, eff. 8-20-21; revised 9-13-22.)

Section 85. The Financial Institutions Code is amended by changing Section 6 as follows:

(20 ILCS 1205/6)

Sec. 6. General powers and duties. In addition to the powers and duties provided by law and imposed elsewhere in this Act, the Division has the following powers and duties:

(1) To administer and enforce the Consumer Installment Loan Act and its implementing rules.

(2) To administer and enforce the Currency Exchange Act and its implementing rules. ~~the Currency Exchange Act~~

(3) To administer and enforce the Debt Management Service Act and its implementing rules.

(4) To administer and enforce the Debt Settlement Consumer Protection Act and its implementing rules.

(5) To administer and enforce the Illinois Development Credit Corporation Act and its implementing rules.

(6) To administer and enforce the Payday Loan Reform

Act and its implementing rules. ~~the Safety Deposit License Act~~

(7) To administer and enforce the Safety Deposit License Act and its implementing rules.

(8) To administer and enforce the Sales Finance Agency Act and its implementing rules.

(9) To administer and enforce the Title Insurance Act and its implementing rules.

(10) To administer and enforce the Transmitters of Money Act and its implementing rules.

(11) To administer and enforce the Predatory Loan Prevention Act and its implementing rules.

(12) To administer and enforce the Motor Vehicle Retail Installment Sales Act and its implementing rules.

(13) To administer and enforce the Retail Installment Sales Act and its implementing rules.

(14) To administer and enforce the Illinois Credit Union Act and its implementing rules.

(15) To administer and enforce the Collection Agency Act and its implementing rules.

(16) To administer and enforce any other Act administered by the Director or Division.

(17) If the Division is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, to obtain from the Illinois

State Police, upon request and payment of the fees required by the Illinois State Police Law of the Civil Administrative Code of Illinois, pursuant to positive identification, such information contained in State files as is necessary to carry out the duties of the Division.

(18) To authorize and administer examinations to ascertain the qualifications of applicants and licensees for which the examination is held.

(19) To conduct hearings in proceedings to revoke, suspend, refuse to renew, or take other disciplinary action regarding licenses, charters, certifications, registrations, or authorities of persons as authorized in any Act administered by the Division.

(Source: P.A. 101-658, eff. 3-23-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-975, eff. 1-1-23; revised 12-13-22.)

Section 90. The Department of Human Services Act is amended by changing Section 1-17 and by setting forth and renumbering multiple versions of Section 1-75 as follows:

(20 ILCS 1305/1-17)

Sec. 1-17. Inspector General.

(a) Nature and purpose. It is the express intent of the General Assembly to ensure the health, safety, and financial condition of individuals receiving services in this State due

to mental illness, developmental disability, or both by protecting those persons from acts of abuse, neglect, or both by service providers. To that end, the Office of the Inspector General for the Department of Human Services is created to investigate and report upon allegations of the abuse, neglect, or financial exploitation of individuals receiving services within mental health facilities, developmental disabilities facilities, and community agencies operated, licensed, funded, or certified by the Department of Human Services, but not licensed or certified by any other State agency.

(b) Definitions. The following definitions apply to this Section:

"Agency" or "community agency" means (i) a community agency licensed, funded, or certified by the Department, but not licensed or certified by any other human services agency of the State, to provide mental health service or developmental disabilities service, or (ii) a program licensed, funded, or certified by the Department, but not licensed or certified by any other human services agency of the State, to provide mental health service or developmental disabilities service.

"Aggravating circumstance" means a factor that is attendant to a finding and that tends to compound or increase the culpability of the accused.

"Allegation" means an assertion, complaint, suspicion, or incident involving any of the following conduct by an

employee, facility, or agency against an individual or individuals: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation.

"Day" means working day, unless otherwise specified.

"Deflection" means a situation in which an individual is presented for admission to a facility or agency, and the facility staff or agency staff do not admit the individual. "Deflection" includes triage, redirection, and denial of admission.

"Department" means the Department of Human Services.

"Developmental disability" means "developmental disability" as defined in the Mental Health and Developmental Disabilities Code.

"Egregious neglect" means a finding of neglect as determined by the Inspector General that (i) represents a gross failure to adequately provide for, or a callused indifference to, the health, safety, or medical needs of an individual and (ii) results in an individual's death or other serious deterioration of an individual's physical condition or mental condition.

"Employee" means any person who provides services at the facility or agency on-site or off-site. The service relationship can be with the individual or with the facility or agency. Also, "employee" includes any employee or contractual agent of the Department of Human Services or the community agency involved in providing or monitoring or

administering mental health or developmental disability services. This includes but is not limited to: owners, operators, payroll personnel, contractors, subcontractors, and volunteers.

"Facility" or "State-operated facility" means a mental health facility or developmental disabilities facility operated by the Department.

"Financial exploitation" means taking unjust advantage of an individual's assets, property, or financial resources through deception, intimidation, or conversion for the employee's, facility's, or agency's own advantage or benefit.

"Finding" means the Office of Inspector General's determination regarding whether an allegation is substantiated, unsubstantiated, or unfounded.

"Health Care Worker Registry" or "Registry" means the Health Care Worker Registry under the Health Care Worker Background Check Act.

"Individual" means any person receiving mental health service, developmental disabilities service, or both from a facility or agency, while either on-site or off-site.

"Mental abuse" means the use of demeaning, intimidating, or threatening words, signs, gestures, or other actions by an employee about an individual and in the presence of an individual or individuals that results in emotional distress or maladaptive behavior, or could have resulted in emotional distress or maladaptive behavior, for any individual present.

"Mental illness" means "mental illness" as defined in the Mental Health and Developmental Disabilities Code.

"Mentally ill" means having a mental illness.

"Mitigating circumstance" means a condition that (i) is attendant to a finding, (ii) does not excuse or justify the conduct in question, but (iii) may be considered in evaluating the severity of the conduct, the culpability of the accused, or both the severity of the conduct and the culpability of the accused.

"Neglect" means an employee's, agency's, or facility's failure to provide adequate medical care, personal care, or maintenance and that, as a consequence, (i) causes an individual pain, injury, or emotional distress, (ii) results in either an individual's maladaptive behavior or the deterioration of an individual's physical condition or mental condition, or (iii) places the individual's health or safety at substantial risk.

"Person with a developmental disability" means a person having a developmental disability.

"Physical abuse" means an employee's non-accidental and inappropriate contact with an individual that causes bodily harm. "Physical abuse" includes actions that cause bodily harm as a result of an employee directing an individual or person to physically abuse another individual.

"Recommendation" means an admonition, separate from a finding, that requires action by the facility, agency, or

Department to correct a systemic issue, problem, or deficiency identified during an investigation.

"Required reporter" means any employee who suspects, witnesses, or is informed of an allegation of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation.

"Secretary" means the Chief Administrative Officer of the Department.

"Sexual abuse" means any sexual contact or intimate physical contact between an employee and an individual, including an employee's coercion or encouragement of an individual to engage in sexual behavior that results in sexual contact, intimate physical contact, sexual behavior, or intimate physical behavior. Sexual abuse also includes (i) an employee's actions that result in the sending or showing of sexually explicit images to an individual via computer, cellular phone, electronic mail, portable electronic device, or other media with or without contact with the individual or (ii) an employee's posting of sexually explicit images of an individual online or elsewhere whether or not there is contact with the individual.

"Sexually explicit images" includes, but is not limited to, any material which depicts nudity, sexual conduct, or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse.

"Substantiated" means there is a preponderance of the evidence to support the allegation.

"Unfounded" means there is no credible evidence to support the allegation.

"Unsubstantiated" means there is credible evidence, but less than a preponderance of evidence to support the allegation.

(c) Appointment. The Governor shall appoint, and the Senate shall confirm, an Inspector General. The Inspector General shall be appointed for a term of 4 years and shall function within the Department of Human Services and report to the Secretary and the Governor.

(d) Operation and appropriation. The Inspector General shall function independently within the Department with respect to the operations of the Office, including the performance of investigations and issuance of findings and recommendations. The appropriation for the Office of Inspector General shall be separate from the overall appropriation for the Department.

(e) Powers and duties. The Inspector General shall investigate reports of suspected mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation of individuals in any mental health or developmental disabilities facility or agency and shall have authority to take immediate action to prevent any one or more of the following from happening to individuals under its jurisdiction: mental abuse,

physical abuse, sexual abuse, neglect, or financial exploitation. Upon written request of an agency of this State, the Inspector General may assist another agency of the State in investigating reports of the abuse, neglect, or abuse and neglect of persons with mental illness, persons with developmental disabilities, or persons with both. To comply with the requirements of subsection (k) of this Section, the Inspector General shall also review all reportable deaths for which there is no allegation of abuse or neglect. Nothing in this Section shall preempt any duties of the Medical Review Board set forth in the Mental Health and Developmental Disabilities Code. The Inspector General shall have no authority to investigate alleged violations of the State Officials and Employees Ethics Act. Allegations of misconduct under the State Officials and Employees Ethics Act shall be referred to the Office of the Governor's Executive Inspector General for investigation.

(f) Limitations. The Inspector General shall not conduct an investigation within an agency or facility if that investigation would be redundant to or interfere with an investigation conducted by another State agency. The Inspector General shall have no supervision over, or involvement in, the routine programmatic, licensing, funding, or certification operations of the Department. Nothing in this subsection limits investigations by the Department that may otherwise be required by law or that may be necessary in the Department's

capacity as central administrative authority responsible for the operation of the State's mental health and developmental disabilities facilities.

(g) Rulemaking authority. The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations as well as for initiating, conducting, and completing investigations based upon the nature of the allegation or allegations. The rules shall clearly establish that if 2 or more State agencies could investigate an allegation, the Inspector General shall not conduct an investigation that would be redundant to, or interfere with, an investigation conducted by another State agency. The rules shall further clarify the method and circumstances under which the Office of Inspector General may interact with the licensing, funding, or certification units of the Department in preventing further occurrences of mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, and financial exploitation.

(h) Training programs. The Inspector General shall (i) establish a comprehensive program to ensure that every person authorized to conduct investigations receives ongoing training relative to investigation techniques, communication skills, and the appropriate means of interacting with persons receiving treatment for mental illness, developmental disability, or both mental illness and developmental disability, and (ii) establish and conduct periodic training

programs for facility and agency employees concerning the prevention and reporting of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation. The Inspector General shall further ensure (i) every person authorized to conduct investigations at community agencies receives ongoing training in Title 59, Parts 115, 116, and 119 of the Illinois Administrative Code, and (ii) every person authorized to conduct investigations shall receive ongoing training in Title 59, Part 50 of the Illinois Administrative Code. Nothing in this Section shall be deemed to prevent the Office of Inspector General from conducting any other training as determined by the Inspector General to be necessary or helpful.

(i) Duty to cooperate.

(1) The Inspector General shall at all times be granted access to any facility or agency for the purpose of investigating any allegation, conducting unannounced site visits, monitoring compliance with a written response, or completing any other statutorily assigned duty. The Inspector General shall conduct unannounced site visits to each facility at least annually for the purpose of reviewing and making recommendations on systemic issues relative to preventing, reporting, investigating, and responding to all of the following: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or

financial exploitation.

(2) Any employee who fails to cooperate with an Office of the Inspector General investigation is in violation of this Act. Failure to cooperate with an investigation includes, but is not limited to, any one or more of the following: (i) creating and transmitting a false report to the Office of the Inspector General hotline, (ii) providing false information to an Office of the Inspector General Investigator during an investigation, (iii) colluding with other employees to cover up evidence, (iv) colluding with other employees to provide false information to an Office of the Inspector General investigator, (v) destroying evidence, (vi) withholding evidence, or (vii) otherwise obstructing an Office of the Inspector General investigation. Additionally, any employee who, during an unannounced site visit or written response compliance check, fails to cooperate with requests from the Office of the Inspector General is in violation of this Act.

(j) Subpoena powers. The Inspector General shall have the power to subpoena witnesses and compel the production of all documents and physical evidence relating to his or her investigations and any hearings authorized by this Act. This subpoena power shall not extend to persons or documents of a labor organization or its representatives insofar as the persons are acting in a representative capacity to an employee

whose conduct is the subject of an investigation or the documents relate to that representation. Any person who otherwise fails to respond to a subpoena or who knowingly provides false information to the Office of the Inspector General by subpoena during an investigation is guilty of a Class A misdemeanor.

(k) Reporting allegations and deaths.

(1) Allegations. If an employee witnesses, is told of, or has reason to believe an incident of mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation has occurred, the employee, agency, or facility shall report the allegation by phone to the Office of the Inspector General hotline according to the agency's or facility's procedures, but in no event later than 4 hours after the initial discovery of the incident, allegation, or suspicion of any one or more of the following: mental abuse, physical abuse, sexual abuse, neglect, or financial exploitation. A required reporter as defined in subsection (b) of this Section who knowingly or intentionally fails to comply with these reporting requirements is guilty of a Class A misdemeanor.

(2) Deaths. Absent an allegation, a required reporter shall, within 24 hours after initial discovery, report by phone to the Office of the Inspector General hotline each of the following:

(i) Any death of an individual occurring within 14

calendar days after discharge or transfer of the individual from a residential program or facility.

(ii) Any death of an individual occurring within 24 hours after deflection from a residential program or facility.

(iii) Any other death of an individual occurring at an agency or facility or at any Department-funded site.

(3) Retaliation. It is a violation of this Act for any employee or administrator of an agency or facility to take retaliatory action against an employee who acts in good faith in conformance with his or her duties as a required reporter.

(l) Reporting to law enforcement. Reporting criminal acts. Within 24 hours after determining that there is credible evidence indicating that a criminal act may have been committed or that special expertise may be required in an investigation, the Inspector General shall notify the Illinois State Police or other appropriate law enforcement authority, or ensure that such notification is made. The Illinois State Police shall investigate any report from a State-operated facility indicating a possible murder, sexual assault, or other felony by an employee. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(m) Investigative reports. Upon completion of an investigation, the Office of Inspector General shall issue an investigative report identifying whether the allegations are substantiated, unsubstantiated, or unfounded. Within 10 business days after the transmittal of a completed investigative report substantiating an allegation, finding an allegation is unsubstantiated, or if a recommendation is made, the Inspector General shall provide the investigative report on the case to the Secretary and to the director of the facility or agency where any one or more of the following occurred: mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation. The director of the facility or agency shall be responsible for maintaining the confidentiality of the investigative report consistent with State and federal law. In a substantiated case, the investigative report shall include any mitigating or aggravating circumstances that were identified during the investigation. If the case involves substantiated neglect, the investigative report shall also state whether egregious neglect was found. An investigative report may also set forth recommendations. All investigative reports prepared by the Office of the Inspector General shall be considered confidential and shall not be released except as provided by the law of this State or as required under applicable federal law. Unsubstantiated and unfounded reports shall not be disclosed except as allowed under Section 6 of the Abused and

Neglected Long Term Care Facility Residents Reporting Act. Raw data used to compile the investigative report shall not be subject to release unless required by law or a court order. "Raw data used to compile the investigative report" includes, but is not limited to, any one or more of the following: the initial complaint, witness statements, photographs, investigator's notes, police reports, or incident reports. If the allegations are substantiated, the victim, the victim's guardian, and the accused shall be provided with a redacted copy of the investigative report. Death reports where there was no allegation of abuse or neglect shall only be released pursuant to applicable State or federal law or a valid court order. Unredacted investigative reports, as well as raw data, may be shared with a local law enforcement entity, a State's Attorney's office, or a county coroner's office upon written request.

(n) Written responses, clarification requests, and reconsideration requests.

(1) Written responses. Within 30 calendar days from receipt of a substantiated investigative report or an investigative report which contains recommendations, absent a reconsideration request, the facility or agency shall file a written response that addresses, in a concise and reasoned manner, the actions taken to: (i) protect the individual; (ii) prevent recurrences; and (iii) eliminate the problems identified. The response shall include the

implementation and completion dates of such actions. If the written response is not filed within the allotted 30 calendar day period, the Secretary shall determine the appropriate corrective action to be taken.

(2) Requests for clarification. The facility, agency, victim or guardian, or the subject employee may request that the Office of Inspector General clarify the finding or findings for which clarification is sought.

(3) Requests for reconsideration. The facility, agency, victim or guardian, or the subject employee may request that the Office of the Inspector General reconsider the finding or findings or the recommendations. A request for reconsideration shall be subject to a multi-layer review and shall include at least one reviewer who did not participate in the investigation or approval of the original investigative report. After the multi-layer review process has been completed, the Inspector General shall make the final determination on the reconsideration request. The investigation shall be reopened if the reconsideration determination finds that additional information is needed to complete the investigative record.

(o) Disclosure of the finding by the Inspector General. The Inspector General shall disclose the finding of an investigation to the following persons: (i) the Governor, (ii) the Secretary, (iii) the director of the facility or agency,

(iv) the alleged victims and their guardians, (v) the complainant, and (vi) the accused. This information shall include whether the allegations were deemed substantiated, unsubstantiated, or unfounded.

(p) Secretary review. Upon review of the Inspector General's investigative report and any agency's or facility's written response, the Secretary shall accept or reject the written response and notify the Inspector General of that determination. The Secretary may further direct that other administrative action be taken, including, but not limited to, any one or more of the following: (i) additional site visits, (ii) training, (iii) provision of technical assistance relative to administrative needs, licensure, or certification, or (iv) the imposition of appropriate sanctions.

(q) Action by facility or agency. Within 30 days of the date the Secretary approves the written response or directs that further administrative action be taken, the facility or agency shall provide an implementation report to the Inspector General that provides the status of the action taken. The facility or agency shall be allowed an additional 30 days to send notice of completion of the action or to send an updated implementation report. If the action has not been completed within the additional 30-day period, the facility or agency shall send updated implementation reports every 60 days until completion. The Inspector General shall conduct a review of any implementation plan that takes more than 120 days after

approval to complete, and shall monitor compliance through a random review of approved written responses, which may include, but are not limited to: (i) site visits, (ii) telephone contact, and (iii) requests for additional documentation evidencing compliance.

(r) Sanctions. Sanctions, if imposed by the Secretary under Subdivision (p)(iv) of this Section, shall be designed to prevent further acts of mental abuse, physical abuse, sexual abuse, neglect, egregious neglect, or financial exploitation or some combination of one or more of those acts at a facility or agency, and may include any one or more of the following:

(1) Appointment of on-site monitors.

(2) Transfer or relocation of an individual or individuals.

(3) Closure of units.

(4) Termination of any one or more of the following: (i) Department licensing, (ii) funding, or (iii) certification.

The Inspector General may seek the assistance of the Illinois Attorney General or the office of any State's Attorney in implementing sanctions.

(s) Health Care Worker Registry.

(1) Reporting to the Registry. The Inspector General shall report to the Department of Public Health's Health Care Worker Registry, a public registry, the identity and

finding of each employee of a facility or agency against whom there is a final investigative report prepared by the Office of the Inspector General containing a substantiated allegation of physical or sexual abuse, financial exploitation, or egregious neglect of an individual, unless the Inspector General requests a stipulated disposition of the investigative report that does not include the reporting of the employee's name to the Health Care Worker Registry and the Secretary of Human Services agrees with the requested stipulated disposition.

(2) Notice to employee. Prior to reporting the name of an employee, the employee shall be notified of the Department's obligation to report and shall be granted an opportunity to request an administrative hearing, the sole purpose of which is to determine if the substantiated finding warrants reporting to the Registry. Notice to the employee shall contain a clear and concise statement of the grounds on which the report to the Registry is based, offer the employee an opportunity for a hearing, and identify the process for requesting such a hearing. Notice is sufficient if provided by certified mail to the employee's last known address. If the employee fails to request a hearing within 30 days from the date of the notice, the Inspector General shall report the name of the employee to the Registry. Nothing in this subdivision (s)(2) shall diminish or impair the rights of a person who

is a member of a collective bargaining unit under the Illinois Public Labor Relations Act or under any other federal labor statute.

(3) Registry hearings. If the employee requests an administrative hearing, the employee shall be granted an opportunity to appear before an administrative law judge to present reasons why the employee's name should not be reported to the Registry. The Department shall bear the burden of presenting evidence that establishes, by a preponderance of the evidence, that the substantiated finding warrants reporting to the Registry. After considering all the evidence presented, the administrative law judge shall make a recommendation to the Secretary as to whether the substantiated finding warrants reporting the name of the employee to the Registry. The Secretary shall render the final decision. The Department and the employee shall have the right to request that the administrative law judge consider a stipulated disposition of these proceedings.

(4) Testimony at Registry hearings. A person who makes a report or who investigates a report under this Act shall testify fully in any judicial proceeding resulting from such a report, as to any evidence of abuse or neglect, or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged perpetrator of abuse or

neglect, or the individual alleged as the victim in the report, and the person making or investigating the report. Testimony at hearings is exempt from the confidentiality requirements of subsection (f) of Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act.

(5) Employee's rights to collateral action. No reporting to the Registry shall occur and no hearing shall be set or proceed if an employee notifies the Inspector General in writing, including any supporting documentation, that he or she is formally contesting an adverse employment action resulting from a substantiated finding by complaint filed with the Illinois Civil Service Commission, or which otherwise seeks to enforce the employee's rights pursuant to any applicable collective bargaining agreement. If an action taken by an employer against an employee as a result of a finding of physical abuse, sexual abuse, or egregious neglect is overturned through an action filed with the Illinois Civil Service Commission or under any applicable collective bargaining agreement and if that employee's name has already been sent to the Registry, the employee's name shall be removed from the Registry.

(6) Removal from Registry. At any time after the report to the Registry, but no more than once in any 12-month period, an employee may petition the Department in writing to remove his or her name from the Registry.

Upon receiving notice of such request, the Inspector General shall conduct an investigation into the petition. Upon receipt of such request, an administrative hearing will be set by the Department. At the hearing, the employee shall bear the burden of presenting evidence that establishes, by a preponderance of the evidence, that removal of the name from the Registry is in the public interest. The parties may jointly request that the administrative law judge consider a stipulated disposition of these proceedings.

(t) Review of Administrative Decisions. The Department shall preserve a record of all proceedings at any formal hearing conducted by the Department involving Health Care Worker Registry hearings. Final administrative decisions of the Department are subject to judicial review pursuant to provisions of the Administrative Review Law.

(u) Quality Care Board. There is created, within the Office of the Inspector General, a Quality Care Board to be composed of 7 members appointed by the Governor with the advice and consent of the Senate. One of the members shall be designated as chairman by the Governor. Of the initial appointments made by the Governor, 4 Board members shall each be appointed for a term of 4 years and 3 members shall each be appointed for a term of 2 years. Upon the expiration of each member's term, a successor shall be appointed for a term of 4 years. In the case of a vacancy in the office of any member,

the Governor shall appoint a successor for the remainder of the unexpired term.

Members appointed by the Governor shall be qualified by professional knowledge or experience in the area of law, investigatory techniques, or in the area of care of the mentally ill or care of persons with developmental disabilities. Two members appointed by the Governor shall be persons with a disability or parents of persons with a disability. Members shall serve without compensation, but shall be reimbursed for expenses incurred in connection with the performance of their duties as members.

The Board shall meet quarterly, and may hold other meetings on the call of the chairman. Four members shall constitute a quorum allowing the Board to conduct its business. The Board may adopt rules and regulations it deems necessary to govern its own procedures.

The Board shall monitor and oversee the operations, policies, and procedures of the Inspector General to ensure the prompt and thorough investigation of allegations of neglect and abuse. In fulfilling these responsibilities, the Board may do the following:

(1) Provide independent, expert consultation to the Inspector General on policies and protocols for investigations of alleged abuse, neglect, or both abuse and neglect.

(2) Review existing regulations relating to the

operation of facilities.

(3) Advise the Inspector General as to the content of training activities authorized under this Section.

(4) Recommend policies concerning methods for improving the intergovernmental relationships between the Office of the Inspector General and other State or federal offices.

(v) Annual report. The Inspector General shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Act for the prior fiscal year with respect to individuals receiving mental health or developmental disabilities services. The report shall detail the imposition of sanctions, if any, and the final disposition of any corrective or administrative action directed by the Secretary. The summaries shall not contain any confidential or identifying information of any individual, but shall include objective data identifying any trends in the number of reported allegations, the timeliness of the Office of the Inspector General's investigations, and their disposition, for each facility and Department-wide, for the most recent 3-year time period. The report shall also identify, by facility, the staff-to-patient ratios taking account of direct care staff only. The report shall also include detailed recommended administrative actions and matters for consideration by the General Assembly.

(w) Program audit. The Auditor General shall conduct a program audit of the Office of the Inspector General on an as-needed basis, as determined by the Auditor General. The audit shall specifically include the Inspector General's compliance with the Act and effectiveness in investigating reports of allegations occurring in any facility or agency. The Auditor General shall conduct the program audit according to the provisions of the Illinois State Auditing Act and shall report its findings to the General Assembly no later than January 1 following the audit period.

(x) Nothing in this Section shall be construed to mean that an individual is a victim of abuse or neglect because of health care services appropriately provided or not provided by health care professionals.

(y) Nothing in this Section shall require a facility, including its employees, agents, medical staff members, and health care professionals, to provide a service to an individual in contravention of that individual's stated or implied objection to the provision of that service on the ground that that service conflicts with the individual's religious beliefs or practices, nor shall the failure to provide a service to an individual be considered abuse under this Section if the individual has objected to the provision of that service based on his or her religious beliefs or practices.

(Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;

102-883, eff. 5-13-22; 102-1071, eff. 6-10-22; revised 7-26-22.)

(20 ILCS 1305/1-75)

Sec. 1-75. Off-Hours Child Care Program.

(a) Legislative intent. The General Assembly finds that:

(1) Finding child care can be a challenge for firefighters, paramedics, police officers, nurses, and other third shift workers across the State who often work non-typical work hours. This can impact home life, school, bedtime routines, job safety, and the mental health of some of our most critical front line workers and their families.

(2) There is a need for increased options for off-hours child care in the State. A majority of the State's child care facilities do not provide care outside of normal work hours, with just 3,251 day care homes and 435 group day care homes that provide night care.

(3) Illinois has a vested interest in ensuring that our first responders and working families can provide their children with appropriate care during off hours to improve the morale of existing first responders and to improve recruitment into the future.

(b) As used in this Section, "first responders" means emergency medical services personnel as defined in the Emergency Medical Services (EMS) Systems Act, firefighters,

law enforcement officers, and, as determined by the Department, any other workers who, on account of their work schedule, need child care outside of the hours when licensed child care facilities typically operate.

(c) Subject to appropriation, the Department of Human Services shall establish and administer an Off-Hours Child Care Program to help first responders and other workers identify and access off-hours, night, or sleep time child care. Services funded under the program must address the child care needs of first responders. Funding provided under the program may also be used to cover any capital and operating expenses related to the provision of off-hours, night, or sleep time child care for first responders. Funding awarded under this Section shall be funded through appropriations from the Off-Hours Child Care Program Fund created under subsection (d). The Department shall implement the program by July 1, 2023. The Department may adopt any rules necessary to implement the program.

(d) The Off-Hours Child Care Program Fund is created as a special fund in the State treasury. The Fund shall consist of any moneys appropriated to the Department of Human Services for the Off-Hours Child Care Program. Moneys in the Fund shall be expended for the Off-Hours Child Care Program and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund.

(Source: P.A. 102-912, eff. 5-27-22.)

(20 ILCS 1305/1-80)

Sec. 1-80 ~~1-75~~. Homeless services and supportive housing; veterans data. The Department's Bureau of Homeless Services and Supportive Housing within the Office of Family Support Services shall annually review and collect data on the number of military veterans receiving services or benefits under the Emergency and Transitional Housing Program, the Emergency Food Program, the Homeless Prevention Program, the Supporting Housing Program, and the Prince Home at Manteno administered by the Department of Veterans' Affairs. The Bureau may request and receive the cooperation of the Department of Veterans' Affairs and any other State agency that is relevant to the collection of the data required under this Section. The Bureau shall annually submit to the General Assembly a written report that details the number of military veterans served under each program no later than December 31, 2023 and every December 31 thereafter.

(Source: P.A. 102-961, eff. 1-1-23; revised 12-29-22.)

Section 95. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 74 as follows:

(20 ILCS 1705/74)

Sec. 74. Rates and reimbursements.

(a) Within 30 days after July 6, 2017 (the effective date of Public Act 100-23), the Department shall increase rates and reimbursements to fund a minimum of a $0.75 per hour wage increase for front-line personnel, including, but not limited to, direct support professionals, aides, front-line supervisors, qualified intellectual disabilities professionals, nurses, and non-administrative support staff working in community-based provider organizations serving individuals with developmental disabilities. The Department shall adopt rules, including emergency rules under subsection (y) of Section 5-45 of the Illinois Administrative Procedure Act, to implement the provisions of this Section.

(b) Rates and reimbursements. Within 30 days after June 4, 2018 (the effective date of Public Act 100-587) ~~this amendatory Act of the 100th General Assembly~~, the Department shall increase rates and reimbursements to fund a minimum of a $0.50 per hour wage increase for front-line personnel, including, but not limited to, direct support professionals, aides, front-line supervisors, qualified intellectual disabilities professionals, nurses, and non-administrative support staff working in community-based provider organizations serving individuals with developmental disabilities. The Department shall adopt rules, including emergency rules under subsection (bb) of Section 5-45 of the Illinois Administrative Procedure Act, to implement the provisions of this Section.

(c) Rates and reimbursements. Within 30 days after June 5, 2019 (the effective date of Public Act 101-10) ~~this amendatory Act of the 101st General Assembly~~, subject to federal approval, the Department shall increase rates and reimbursements in effect on June 30, 2019 for community-based providers for persons with Developmental Disabilities by 3.5% The Department shall adopt rules, including emergency rules under subsection (jj) of Section 5-45 of the Illinois Administrative Procedure Act, to implement the provisions of this Section, including wage increases for direct care staff.

(d) For community-based providers serving persons with intellectual/developmental disabilities, subject to federal approval of any relevant Waiver Amendment, the rates taking effect for services delivered on or after January 1, 2022, shall include an increase in the rate methodology sufficient to provide a $1.50 per hour wage increase for direct support professionals in residential settings and sufficient to provide wages for all residential non-executive direct care staff, excluding direct support professionals, at the federal Department of Labor, Bureau of Labor Statistics' average wage as defined in rule by the Department.

The establishment of and any changes to the rate methodologies for community-based services provided to persons with intellectual/developmental disabilities are subject to federal approval of any relevant Waiver Amendment and shall be defined in rule by the Department. The Department shall adopt

rules, including emergency rules as authorized by Section 5-45 of the Illinois Administrative Procedure Act, to implement the provisions of this subsection (d).

(e) For community-based providers serving persons with intellectual/developmental disabilities, subject to federal approval of any relevant Waiver Amendment, the rates taking effect for services delivered on or after January 1, 2023, shall include an increase in the rate methodology sufficient to provide a $1.00 per hour wage increase for all direct support professionals ~~personnel~~ and all other frontline personnel who are not subject to the Bureau of Labor Statistics' average wage increases, who work in residential and community day services settings, with at least $0.50 of those funds to be provided as a direct increase to base wages, with the remaining $0.50 to be used flexibly for base wage increases. In addition, the rates taking effect for services delivered on or after January 1, 2023 shall include an increase sufficient to provide wages for all residential non-executive direct care staff, excluding direct support professionals ~~personnel~~, at the federal Department of Labor, Bureau of Labor Statistics' average wage as defined in rule by the Department.

The establishment of and any changes to the rate methodologies for community-based services provided to persons with intellectual/developmental disabilities are subject to federal approval of any relevant Waiver Amendment and shall be

defined in rule by the Department. The Department shall adopt rules, including emergency rules as authorized by Section 5-45 of the Illinois Administrative Procedure Act, to implement the provisions of this subsection.

(Source: P.A. 101-10, eff. 6-5-19; 102-16, eff. 6-17-21; 102-699, eff. 4-19-22; 102-830, eff. 1-1-23; revised 12-13-22.)

Section 100. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by setting forth, renumbering, and changing multiple versions of Sections 2310-434 and 2310-710 as follows:

(20 ILCS 2310/2310-434)

Sec. 2310-434. Certified Nursing Assistant Intern Program.

(a) As used in this Section, "facility" means a facility licensed by the Department under the Nursing Home Care Act, the MC/DD Act, or the ID/DD Community Care Act or an establishment licensed under the Assisted Living and Shared Housing Act.

(b) The Department shall establish or approve a Certified Nursing Assistant Intern Program to address the increasing need for trained health care workers and provide additional pathways for individuals to become certified nursing assistants. Upon successful completion of the classroom education and on-the-job training requirements of the Program

required under this Section, an individual may provide, at a facility, the patient and resident care services determined under the Program and may perform the procedures listed under subsection (e).

(c) In order to qualify as a certified nursing assistant intern, an individual shall successfully complete at least 8 hours of classroom education on the services and procedures determined under the Program and listed under subsection (e). The classroom education shall be:

(1) taken within the facility where the certified nursing assistant intern will be employed;

(2) proctored by either an advanced practice registered nurse or a registered nurse who holds a bachelor's degree in nursing, has a minimum of 3 years of continuous experience in geriatric care, or is certified as a nursing assistant instructor; and

(3) satisfied by the successful completion of an approved 8-hour online training course or in-person group training.

(d) In order to qualify as a certified nursing assistant intern, an individual shall successfully complete at least 24 hours of on-the-job training in the services and procedures determined under the Program and listed under subsection (e), as follows:

(1) The training program instructor shall be either an advanced practice registered nurse or a registered nurse

who holds a bachelor's degree in nursing, has a minimum of 3 years of continuous experience in geriatric care, or is certified as a nursing assistant instructor.

(2) The training program instructor shall ensure that the student meets the competencies determined under the Program and those listed under subsection (e). The instructor shall document the successful completion or failure of the competencies and any remediation that may allow for the successful completion of the competencies.

(3) All on-the-job training shall be under the direct observation of either an advanced practice registered nurse or a registered nurse who holds a bachelor's degree in nursing, has a minimum of 3 years of continuous experience in geriatric care, or is certified as a nursing assistant instructor.

(4) All on-the-job training shall be conducted at a facility that is licensed by the State of Illinois and that is the facility where the certified nursing assistant intern will be working.

(e) A certified nursing assistant intern shall receive classroom and on-the-job training on how to provide the patient or resident care services and procedures, as determined under the Program, that are required of a certified nursing assistant's performance skills, including, but not limited to, all of the following:

(1) Successful completion and maintenance of active

certification in both first aid and the American Red Cross' courses on cardiopulmonary resuscitation.

(2) Infection control and in-service training required at the facility.

(3) Washing a resident's hands.

(4) Performing oral hygiene on a resident.

(5) Shaving a resident with an electric razor.

(6) Giving a resident a partial bath.

(7) Making a bed that is occupied.

(8) Dressing a resident.

(9) Transferring a resident to a wheelchair using a gait belt or transfer belt.

(10) Ambulating a resident with a gait belt or transfer belt.

(11) Feeding a resident.

(12) Calculating a resident's intake and output.

(13) Placing a resident in a side-lying position.

(14) The Heimlich maneuver.

(f) A certified nursing assistant intern may not perform any of the following on a resident:

(1) Shaving with a nonelectric razor.

(2) Nail care.

(3) Perineal care.

(4) Transfer using a mechanical lift.

(5) Passive range of motion.

(g) A certified nursing assistant intern may only provide

the patient or resident care services and perform the procedures that he or she is deemed qualified to perform that are listed under subsection (e). A certified nursing assistant intern may not provide the procedures excluded under subsection (f).

(h) The Program is subject to the Health Care Worker Background Check Act and the Health Care Worker Background Check Code under 77 Ill. Adm. Code 955. Program participants and personnel shall be included on the Health Care Worker Registry.

(i) A Program participant who has completed the training required under paragraph (5) of subsection (a) of Section 3-206 of the Nursing Home Care Act, has completed the Program from April 21, 2020 through September 18, 2020, and has shown competency in all of the performance skills listed under subsection (e) may be considered a certified nursing assistant intern once the observing advanced practice registered nurse or registered nurse educator has confirmed the Program participant's competency in all of those performance skills.

(j) The requirement under subsection (b) of Section 395.400 of Title 77 of the Illinois Administrative Code that a student must pass a BNATP written competency examination within 12 months after the completion of the BNATP does not apply to a certified nursing assistant intern under this Section. However, upon a Program participant's enrollment in a certified nursing assistant course, the requirement under

subsection (b) of Section 395.400 of Title 77 of the Illinois Administrative Code that a student pass a BNATP written competency examination within 12 months after completion of the BNATP program applies.

(k) A certified nursing assistant intern shall enroll in a certified nursing assistant program within 6 months after completing his or her certified nursing assistant intern training under the Program. The individual may continue to work as a certified nursing assistant intern during his or her certified nursing assistant training. If the scope of work for a nurse assistant in training pursuant to 77 Ill. Adm. Code 300.660 is broader in scope than the work permitted to be performed by a certified nursing assistant intern, then the certified nursing assistant intern enrolled in certified nursing assistant training may perform the work allowed under 77~~.~~ Ill. Adm. Code 300.660 with written documentation that the certified nursing assistant intern has successfully passed the competencies necessary to perform such skills. The facility shall maintain documentation as to the additional jobs and duties the certified nursing assistant intern is authorized to perform, which shall be made available to the Department upon request. The individual shall receive one hour of credit for every hour employed as a certified nursing assistant intern or as a temporary nurse assistant, not to exceed 30 hours of credit, subject to the approval of an accredited certified nursing assistant training program.

(l) A facility that seeks to train and employ a certified nursing assistant intern at the facility must:

(1) not have received or applied for a registered nurse waiver under Section 3-303.1 of the Nursing Home Care Act, if applicable;

(2) not have been cited for a violation, except a citation for noncompliance with COVID-19 reporting requirements, that has caused severe harm to or the death of a resident within the 2 years prior to employing a certified nursing assistant; for purposes of this paragraph, the revocation of the facility's ability to hire and train a certified nursing assistant intern shall only occur if the underlying federal citation for the revocation remains substantiated following an informal dispute resolution or independent informal dispute resolution;

(3) not have been cited for a violation that resulted in a pattern of certified nursing assistants being removed from the Health Care Worker Registry as a result of resident abuse, neglect, or exploitation within the 2 years prior to employing a certified nursing assistant intern;

(4) if the facility is a skilled nursing facility, meet a minimum staffing ratio of 3.8 hours of nursing and personal care time, as those terms are used in subsection (e) of Section 3-202.05 of the Nursing Home Care Act, each

day for a resident needing skilled care and 2.5 hours of nursing and personal care time each day for a resident needing intermediate care;

(5) not have lost the ability to offer a Nursing Assistant Training and Competency Evaluation Program as a result of an enforcement action;

(6) establish a certified nursing assistant intern mentoring program within the facility for the purposes of increasing education and retention, which must include an experienced certified nurse assistant who has at least 3 years of active employment and is employed by the facility;

(7) not have a monitor or temporary management placed upon the facility by the Department;

(8) not have provided the Department with a notice of imminent closure; and

(9) not have had a termination action initiated by the federal Centers for Medicare and Medicaid Services or the Department for failing to comply with minimum regulatory or licensure requirements.

(m) A facility that does not meet the requirements of subsection (l) shall cease its new employment training, education, or onboarding of any employee under the Program. The facility may resume its new employment training, education, or onboarding of an employee under the Program once the Department determines that the facility is in compliance

with subsection (l).

(n) To study the effectiveness of the Program, the Department shall collect data from participating facilities and publish a report on the extent to which the Program brought individuals into continuing employment as certified nursing assistants in long-term care. Data collected from facilities shall include, but shall not be limited to, the number of certified nursing assistants employed, the number of persons who began participation in the Program, the number of persons who successfully completed the Program, and the number of persons who continue employment in a long-term care service or facility. The report shall be published no later than 6 months after the Program end date determined under subsection (p). A facility participating in the Program shall, twice annually, submit data under this subsection in a manner and time determined by the Department. Failure to submit data under this subsection shall result in suspension of the facility's Program.

(o) The Department may adopt emergency rules in accordance with Section 5-45.30 ~~5-45.21~~ of the Illinois Administrative Procedure Act.

(p) The Program shall end upon the termination of the Secretary of Health and Human Services' public health emergency declaration for COVID-19 or 3 years after the date that the Program becomes operational, whichever occurs later.

(q) This Section is inoperative 18 months after the

Program end date determined under subsection (p).

(Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

(20 ILCS 2310/2310-436)

Sec. 2310-436 ~~2310-434~~. Homeless service providers.

(a) In this Section, "homeless service provider" means a person or entity who provides services to homeless persons under any of the programs of or identified by the Department of Human Services.

(b) The Department shall consider all homeless service providers in the State to be essential critical infrastructure workers in accordance with the most recent guidance from the federal Cybersecurity and Infrastructure Security Agency. The Department shall ensure that homeless service providers qualify for the same priority benefits afforded to frontline workers by the State, including, but not limited to:

(1) federal funding for relief relating to public health emergencies;

(2) personal protective equipment; and

(3) vaccinations.

(c) In accordance with this Section, during a federally designated ~~federally-designated~~ public health emergency or a public health disaster declared by a proclamation issued by the Governor under Section 7 of the Illinois Emergency Management Agency Act, the Department and the Illinois Emergency Management Agency shall offer recommendations to

their local counterparts, including local public health departments and local emergency management assistance agencies, encouraging them to consider homeless service providers when making determinations about providing assistance.

(d) The Department may adopt rules for the implementation and administration of this Section and to ensure that homeless service providers are considered essential critical infrastructure workers in the event of a pandemic.

(Source: P.A. 102-919, eff. 5-27-22; revised 7-26-22.)

(20 ILCS 2310/2310-437)

Sec. 2310-437 ~~2310-434~~. Governors State University; stroke awareness campaign.

(a) Subject to appropriation, the Department shall partner with Governors State University's College of Health and Human Services, and any additional partnership that may be necessary, in establishing a 12-month outreach and educational campaign focused on promoting the following:

(1) Stroke awareness for select communities determined by the Department to be at risk for strokes, particularly within Chicago's Southland community.

(2) Stroke recognition and prevention strategies.

(3) Access to reliable sources of information about strokes.

(b) An amount of the moneys appropriated to the Department

under subsection (a) shall be made available to the Governors State University's College of Health and Human Services in an amount to be mutually agreed upon between the Governors State University's College of Health and Human Services and the Department.

(Source: P.A. 102-1070, eff. 1-1-23; revised 7-26-22.)

(20 ILCS 2310/2310-710)

Sec. 2310-710. Emergency Medical Services personnel; continuing training on Alzheimer's disease and other dementias.

(a) In this Section, "Emergency Medical Services personnel" means a person licensed or registered under any of the levels of licensure defined in Section 3.50 of the Emergency Medical Services (EMS) Systems Act, including, but not limited to, Emergency Medical Technician, Emergency Medical Technician-Intermediate, Advanced Emergency Medical Technician, Paramedic (EMT-P), or Emergency Medical Responder.

(b) For license renewals occurring on or after January 1, 2023, Emergency Medical Services personnel must complete at least one one-hour course of training on the diagnosis, treatment, and care of individuals with Alzheimer's disease or other dementias per license renewal period. This training shall include, but not be limited to, assessment and diagnosis, effective communication strategies, and management and care planning.

(c) Emergency Medical Services personnel may count one hour for completion of the course toward meeting the minimum credit hours required for Emergency Medical Services personnel relicensure requirements.

(d) Any training on Alzheimer's disease and other dementias applied to meet any other State licensure requirement, professional accreditation or certification requirement, or health care institutional practice agreement may count toward the continuing education required under this Section.

(e) The Department may adopt rules for the implementation of this Section.

(Source: P.A. 102-772, eff. 5-13-22.)

(20 ILCS 2310/2310-715)

Sec. 2310-715 ~~2310-710~~. Safety-Net Hospital Health Equity and Access Leadership (HEAL) Grant Program.

(a) Findings. The General Assembly finds that there are communities in Illinois that experience significant health care disparities, as recently emphasized by the COVID-19 pandemic, aggravated by social determinants of health and a lack of sufficient access to high quality health care ~~healthcare~~ resources, particularly community-based services, preventive care, obstetric care, chronic disease management, and specialty care. Safety-net hospitals, as defined under the Illinois Public Aid Code, serve as the anchors of the health

care system for many of these communities. Safety-net hospitals not only care for their patients, they also are rooted in their communities by providing jobs and partnering with local organizations to help address the social determinants of health, such as food, housing, and transportation needs.

However, safety-net hospitals serve a significant number of Medicare, Medicaid, and uninsured patients, and therefore, are heavily dependent on underfunded government payers, and are heavily burdened by uncompensated care. At the same time, the overall cost of providing care has increased substantially in recent years, driven by increasing costs for staffing, prescription drugs, technology, and infrastructure.

For all of these reasons, the General Assembly finds that the long-term ~~long term~~ sustainability of safety-net hospitals is threatened. While the General Assembly is providing funding to the Department to be paid to support the expenses of specific safety-net hospitals in State Fiscal Year 2023, such annual, ad hoc funding is not a reliable and stable source of funding that will enable safety-net hospitals to develop strategies to achieve long term sustainability. Such annual, ad hoc funding also does not provide the State with transparency and accountability to ensure that such funding is being used effectively and efficiently to maximize the benefit to members of the community.

Therefore, it is the intent of the General Assembly that

the Department of Public Health and the Department of Healthcare and Family Services jointly provide options and recommendations to the General Assembly by February 1, 2023, for the establishment of a permanent Safety-Net Hospital Health Equity and Access Leadership (HEAL) Grant Program, in accordance with this Section. It is the intention of the General Assembly that during State fiscal years 2024 through 2029, the Safety-Net Hospital Health Equity and Access Leadership (HEAL) Grant Program shall be supported by an annual funding pool of up to $100,000,000, subject to appropriation.

(b) By February 1, 2023, the Department of Public Health and the Department of Healthcare and Family Services shall provide a joint report to the General Assembly on options and recommendations for the establishment of a permanent Safety-Net Hospital Health Equity and Access Leadership (HEAL) Grant Program to be administered by the State. For this report, "safety-net hospital" means a hospital identified by the Department of Healthcare and Family Services under Section 5-5e.1 of the Illinois Public Aid Code. The Departments of Public Health and Healthcare and Family Services may consult with the statewide association representing a majority of hospitals and safety-net hospitals on the report. The report may include, but need not be limited to:

(1) Criteria for a safety-net hospital to be eligible for the program, such as:

(A) The hospital is a participating provider in at least one Medicaid managed care plan.

(B) The hospital is located in a medically underserved area.

(C) The hospital's Medicaid utilization rate (for both inpatient and outpatient services).

(D) The hospital's Medicare utilization rate (for both inpatient and outpatient services).

(E) The hospital's uncompensated care percentage.

(F) The hospital's role in providing access to services, reducing health disparities, and improving health equity in its service area.

(G) The hospital's performance on quality indicators.

(2) Potential projects eligible for grant funds which may include projects to reduce health disparities, advance health equity, or improve access to or the quality of health care ~~healthcare~~ services.

(3) Potential policies, standards, and procedures to ensure accountability for the use of grant funds.

(4) Potential strategies to generate federal Medicaid matching funds for expenditures under the program.

(5) Potential policies, processes, and procedures for the administration of the program.

(Source: P.A. 102-886, eff. 5-17-22; revised 5-26-22.)

Section 105. The Illinois State Police Act is amended by changing Sections 9, 12.6, and 46 as follows:

(20 ILCS 2610/9) (from Ch. 121, par. 307.9)

Sec. 9. Appointment; qualifications.

(a) Except as otherwise provided in this Section, the appointment of Illinois State Police officers shall be made from those applicants who have been certified by the Board as being qualified for appointment. All persons so appointed shall, at the time of their appointment, be not less than 21 years of age, or 20 years of age and have successfully completed an associate's degree or 60 credit hours at an accredited college or university. Any person appointed subsequent to successful completion of an associate's degree or 60 credit hours at an accredited college or university shall not have power of arrest, nor shall he or she be permitted to carry firearms, until he or she reaches 21 years of age. In addition, all persons so certified for appointment shall be of sound mind and body, be of good moral character, be citizens of the United States, have no criminal records, possess such prerequisites of training, education, and experience as the Board may from time to time prescribe so long as persons who have an associate's degree or 60 credit hours at an accredited college or university are not disqualified, and shall be required to pass successfully such mental and physical tests and examinations as may be prescribed by the

Board. All persons who meet one of the following requirements are deemed to have met the collegiate educational requirements:

(i) have been honorably discharged and who have been awarded a Southwest Asia Service Medal, Kosovo Campaign Medal, Korean Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, or Global War on Terrorism Expeditionary Medal by the United States Armed Forces;

(ii) are active members of the Illinois National Guard or a reserve component of the United States Armed Forces and who have been awarded a Southwest Asia Service Medal, Kosovo Campaign Medal, Korean Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, or Global War on Terrorism Expeditionary Medal as a result of honorable service during deployment on active duty;

(iii) have been honorably discharged who served in a combat mission by proof of hostile fire pay or imminent danger pay during deployment on active duty; or

(iv) have at least 3 years of full active and continuous military duty and received an honorable discharge before hiring.

Preference shall be given in such appointments to persons who have honorably served in the military or naval services of the United States. All appointees shall serve a probationary period of 12 months from the date of appointment and during that period may be discharged at the will of the Director.

However, the Director may in his or her sole discretion extend the probationary period of an officer up to an additional 6 months when to do so is deemed in the best interest of the Illinois State Police. Nothing in this subsection (a) limits the Board's ability to prescribe education prerequisites or requirements to certify Illinois State Police officers for promotion as provided in Section 10 of this Act.

(b) Notwithstanding the other provisions of this Act, after July 1, 1977 and before July 1, 1980, the Director of State Police may appoint and promote not more than 20 persons having special qualifications as special agents as he or she deems necessary to carry out the Department's objectives. Any such appointment or promotion shall be ratified by the Board.

(c) During the 90 days following March 31, 1995 (the effective date of Public Act 89-9), the Director of State Police may appoint up to 25 persons as State Police officers. These appointments shall be made in accordance with the requirements of this subsection (c) and any additional criteria that may be established by the Director, but are not subject to any other requirements of this Act. The Director may specify the initial rank for each person appointed under this subsection.

All appointments under this subsection (c) shall be made from personnel certified by the Board. A person certified by the Board and appointed by the Director under this subsection must have been employed by the Illinois Commerce Commission on

November 30, 1994 in a job title subject to the Personnel Code and in a position for which the person was eligible to earn "eligible creditable service" as a "noncovered employee", as those terms are defined in Article 14 of the Illinois Pension Code.

Persons appointed under this subsection (c) shall thereafter be subject to the same requirements and procedures as other State police officers. A person appointed under this subsection must serve a probationary period of 12 months from the date of appointment, during which he or she may be discharged at the will of the Director.

This subsection (c) does not affect or limit the Director's authority to appoint other State Police officers under subsection (a) of this Section.

(d) During the 180 days following January 1, 2022 (the effective date of Public Act 101-652), the Director of the Illinois State Police may appoint current Illinois State Police employees serving in law enforcement officer positions previously within Central Management Services as State Police officers. These appointments shall be made in accordance with the requirements of this subsection (d) and any institutional criteria that may be established by the Director, but are not subject to any other requirements of this Act. All appointments under this subsection (d) shall be made from personnel certified by the Board. A person certified by the Board and appointed by the Director under this subsection must

have been employed by ~~the~~ a State agency, board, or commission on January 1, 2021 in a job title subject to the Personnel Code and in a position for which the person was eligible to earn "eligible creditable service" as a "noncovered employee", as those terms are defined in Article 14 of the Illinois Pension Code. Persons appointed under this subsection (d) shall thereafter be subject to the same requirements, and subject to the same contractual benefits and obligations, as other State police officers. This subsection (d) does not affect or limit the Director's authority to appoint other State Police officers under subsection (a) of this Section.

(e) The Merit Board shall review Illinois State Police Cadet applicants. The Illinois State Police may provide background check and investigation material to the Board for its review pursuant to this Section. The Board shall approve and ensure that no cadet applicant is certified unless the applicant is a person of good character and has not been convicted of, or entered a plea of guilty to, a felony offense, any of the misdemeanors specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any Section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, or

subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis Control Act, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein. The Officer Professional Conduct Database, provided for in Section 9.2 of the Illinois Police Training Act, shall be searched as part of this process. For purposes of this Section, "convicted of, or entered a plea of guilty" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.

(f) The Board shall by rule establish an application fee waiver program for any person who meets one or more of the following criteria:

(1) his or her available personal income is 200% or less of the current poverty level; or

(2) he or she is, in the discretion of the Board, unable to proceed in an action with payment of application fee and payment of that fee would result in substantial hardship to the person or the person's family.

(Source: P.A. 101-374, eff. 1-1-20; 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-694, eff. 1-7-22; 102-813, eff. 5-13-22; revised 8-24-22.)

(20 ILCS 2610/12.6)

Sec. 12.6. Automatic termination of Illinois State Police officers. The Board shall terminate a State police officer convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also terminate Illinois State Police officers who were convicted of, or entered a plea of guilty to, on or after January 1, 2022 (the effective date of Public Act 101-652) ~~this amendatory Act of the 101st General Assembly~~, any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any Section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis Control Act, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein. The Illinois State Police Merit Board shall report terminations under this Section to the Officer Professional Conduct Database provided in Section 9.2 of the Illinois Police Training Act. For purposes of this Section, "convicted of, or entered a plea of

guilty" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.

(Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22; 102-813, eff. 5-13-22; revised 8-25-22.)

(20 ILCS 2610/46)

Sec. 46. Officer Professional Conduct Database; reporting, transparency.

(a) The Illinois State Police Merit Board shall be responsible for reporting all required information contained in the Officer Professional Conduct Database provided in Section 9.2 of the Illinois Police Training Act.

(b) Before the Illinois State Police Merit Board certifies any Illinois State Police Cadet the Board shall conduct a search of all Illinois State Police Cadet applicants in the Officer Professional Conduct Database.

(c) The database, documents, materials, or other information in the possession or control of the Board that are obtained by or disclosed to the Board pursuant to this subsection shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Board is authorized to use such

documents, materials, or other information in furtherance of any regulatory or legal action brought as part of the Board's official duties. Unless otherwise required by law, the Board shall not disclose the database or make such documents, materials, or other information public without the prior written consent of the law enforcement agency and the law enforcement officer. The Board nor any person who received documents, materials or other information shared pursuant to this subsection shall be required to testify in any private civil action concerning the database or any confidential documents, materials, or information subject to this subsection.

Nothing in this Section shall exempt a law enforcement agency from which the Board has obtained data, documents, materials, or other information or that has disclosed data, documents, materials, or other information to the Board from disclosing public records in accordance with the Freedom of Information Act.

(Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22; 102-813, eff. 5-13-22; revised 8-24-22.)

Section 110. The Criminal Identification Act is amended by changing Section 5.2 as follows:

(20 ILCS 2630/5.2)

Sec. 5.2. Expungement, sealing, and immediate sealing.

(a) General Provisions.

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

(A) The following terms shall have the meanings ascribed to them in the following Sections of the Unified Code of Corrections:

Business Offense, Section 5-1-2.

Charge, Section 5-1-3.

Court, Section 5-1-6.

Defendant, Section 5-1-7.

Felony, Section 5-1-9.

Imprisonment, Section 5-1-10.

Judgment, Section 5-1-12.

Misdemeanor, Section 5-1-14.

Offense, Section 5-1-15.

Parole, Section 5-1-16.

Petty Offense, Section 5-1-17.

Probation, Section 5-1-18.

Sentence, Section 5-1-19.

Supervision, Section 5-1-21.

Victim, Section 5-1-22.

(B) As used in this Section, "charge not initiated by arrest" means a charge (as defined by Section 5-1-3 of the Unified Code of Corrections) brought against a defendant where the defendant is not arrested prior to

or as a direct result of the charge.

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

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

(E) "Expunge" means to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both. Nothing in this Act

shall require the physical destruction of the circuit court file, but such records relating to arrests or charges, or both, ordered expunged shall be impounded as required by subsections (d)(9)(A)(ii) and (d)(9)(B)(ii).

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

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

(G-5) "Minor Cannabis Offense" means a violation of Section 4 or 5 of the Cannabis Control Act concerning not more than 30 grams of any substance

containing cannabis, provided the violation did not include a penalty enhancement under Section 7 of the Cannabis Control Act and is not associated with an arrest, conviction or other disposition for a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act.

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

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

(J) "Qualified probation" means an order of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Substance Use Disorder Act, or Section 10 of the Steroid Control Act. For the purpose of this

Section, "successful completion" of an order of qualified probation under Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act and Section 40-10 of the Substance Use Disorder Act means that the probation was terminated satisfactorily and the judgment of conviction was vacated.

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

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

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

Section. A sentence is terminated notwithstanding any outstanding financial legal obligation.

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

(2.5) Commencing 180 days after July 29, 2016 (the effective date of Public Act 99-697), the law enforcement agency issuing the citation shall automatically expunge, on or before January 1 and July 1 of each year, the law enforcement records of a person found to have committed a civil law violation of subsection (a) of Section 4 of the Cannabis Control Act or subsection (c) of Section 3.5 of the Drug Paraphernalia Control Act in the law enforcement agency's possession or control and which contains the final satisfactory disposition which pertain to the person issued a citation for that offense. The law enforcement agency shall provide by rule the process for access, review, and to confirm the automatic expungement by the law enforcement agency issuing the citation. Commencing 180 days after July 29, 2016 (the effective date of Public Act 99-697), the clerk of the circuit court shall expunge, upon order of the court, or in the absence of a court order on or before January 1 and July 1 of each year, the court records of a person found in the circuit court to have committed a civil law violation of subsection (a) of

Section 4 of the Cannabis Control Act or subsection (c) of Section 3.5 of the Drug Paraphernalia Control Act in the clerk's possession or control and which contains the final satisfactory disposition which pertain to the person issued a citation for any of those offenses.

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

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

(B) the sealing or expungement of records of minor traffic offenses (as defined in subsection (a)(1)(G)), unless the petitioner was arrested and released

without charging.

(C) the sealing of the records of arrests or charges not initiated by arrest which result in an order of supervision or a conviction for the following offenses:

(i) offenses included in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a local ordinance, except Section 11-14 and a misdemeanor violation of Section 11-30 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a local ordinance;

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

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

(iv) Class A misdemeanors or felony offenses under the Humane Care for Animals Act; or

(v) any offense or attempted offense that would subject a person to registration under the

Sex Offender Registration Act.

(D) (blank).

(b) Expungement.

(1) A petitioner may petition the circuit court to expunge the records of his or her arrests and charges not initiated by arrest when each arrest or charge not initiated by arrest sought to be expunged resulted in: (i) acquittal, dismissal, or the petitioner's release without charging, unless excluded by subsection (a)(3)(B); (ii) a conviction which was vacated or reversed, unless excluded by subsection (a)(3)(B); (iii) an order of supervision and such supervision was successfully completed by the petitioner, unless excluded by subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of qualified probation (as defined in subsection (a)(1)(J)) and such probation was successfully completed by the petitioner.

(1.5) When a petitioner seeks to have a record of arrest expunged under this Section, and the offender has been convicted of a criminal offense, the State's Attorney may object to the expungement on the grounds that the records contain specific relevant information aside from the mere fact of the arrest.

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

(A) When the arrest or charge not initiated by arrest sought to be expunged resulted in an acquittal, dismissal, the petitioner's release without charging,

or the reversal or vacation of a conviction, there is no waiting period to petition for the expungement of such records.

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

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

(i-5) Those arrests or charges that resulted in orders of supervision for a misdemeanor violation of subsection (a) of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, that occurred prior to the offender reaching the age of 25 years and the offender has no other conviction for violating Section 11-501 or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance

shall not be eligible for expungement until the petitioner has reached the age of 25 years.

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

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

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

(4) Whenever a person has been arrested for or convicted of any offense, in the name of a person whose identity he or she has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his or her identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the Chief Judge to

correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Illinois State Police, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his or her name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the circuit court clerk shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Illinois State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used.

(5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at

the petitioner's trial to have a court order entered to seal the records of the circuit court clerk in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Illinois State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the circuit court clerk in connection with the proceedings of the trial court concerning the offense available for public inspection.

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

(7) Nothing in this Section shall prevent the Illinois State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of

Corrections, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Substance Use Disorder Act, or Section 10 of the Steroid Control Act.

(8) If the petitioner has been granted a certificate of innocence under Section 2-702 of the Code of Civil Procedure, the court that grants the certificate of innocence shall also enter an order expunging the conviction for which the petitioner has been determined to be innocent as provided in subsection (h) of Section 2-702 of the Code of Civil Procedure.

(c) Sealing.

(1) Applicability. Notwithstanding any other provision of this Act to the contrary, and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults. Subsection (g) of this Section provides for immediate sealing of certain records.

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

(A) All arrests resulting in release without charging;

(B) Arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when

the conviction was reversed or vacated, except as excluded by subsection (a)(3)(B);

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

(D) Arrests or charges not initiated by arrest resulting in convictions, including convictions on municipal ordinance violations, unless excluded by subsection (a)(3);

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

(F) Arrests or charges not initiated by arrest resulting in felony convictions unless otherwise excluded by subsection (a) paragraph (3) of this Section.

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

(A) Records identified as eligible under

subsections ~~subsection~~ (c)(2)(A) and (c)(2)(B) may be sealed at any time.

(B) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsection (c)(2)(C) may be sealed 2 years after the termination of petitioner's last sentence (as defined in subsection (a)(1)(F)).

(C) Except as otherwise provided in subparagraph (E) of this paragraph (3), records identified as eligible under subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be sealed 3 years after the termination of the petitioner's last sentence (as defined in subsection (a)(1)(F)). Convictions requiring public registration under the Arsonist Registration Act, the Sex Offender Registration Act, or the Murderer and Violent Offender Against Youth Registration Act may not be sealed until the petitioner is no longer required to register under that relevant Act.

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

(E) Records identified as eligible under subsection ~~subsections~~ (c)(2)(C), (c)(2)(D), (c)(2)(E), or (c)(2)(F) may be sealed upon termination of the petitioner's last sentence if the petitioner earned a high school diploma, associate's degree,

career certificate, vocational technical certification, or bachelor's degree, or passed the high school level Test of General Educational Development, during the period of his or her sentence or mandatory supervised release. This subparagraph shall apply only to a petitioner who has not completed the same educational goal prior to the period of his or her sentence or mandatory supervised release. If a petition for sealing eligible records filed under this subparagraph is denied by the court, the time periods under subparagraph (B) or (C) shall apply to any subsequent petition for sealing filed by the petitioner.

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

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

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

(1) Filing the petition. Upon becoming eligible to petition for the expungement or sealing of records under this Section, the petitioner shall file a petition requesting the expungement or sealing of records with the clerk of the court where the arrests occurred or the charges were brought, or both. If arrests occurred or charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, except no fee shall be required if the petitioner has obtained a court order waiving fees under Supreme Court Rule 298 or it is otherwise waived.

(1.5) County fee waiver pilot program. From August 9, 2019 (the effective date of Public Act 101-306) through December 31, 2020, in a county of 3,000,000 or more inhabitants, no fee shall be required to be paid by a petitioner if the records sought to be expunged or sealed were arrests resulting in release without charging or arrests or charges not initiated by arrest resulting in acquittal, dismissal, or conviction when the conviction was reversed or vacated, unless excluded by subsection (a)(3)(B). The provisions of this paragraph (1.5), other than this sentence, are inoperative on and after January

1, 2022.

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

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

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

(B) seal felony records for a violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act,

or the Cannabis Control Act under clause (c)(2)(F);

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

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

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

(5) Objections.

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

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

(6) Entry of order.

(A) The Chief Judge of the circuit wherein the charge was brought, any judge of that circuit

designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, if any, shall rule on the petition to expunge or seal as set forth in this subsection (d)(6).

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

(C) Notwithstanding any other provision of law, the court shall not deny a petition for sealing under this Section because the petitioner has not satisfied an outstanding legal financial obligation established, imposed, or originated by a court, law enforcement agency, or a municipal, State, county, or other unit of local government, including, but not limited to, any cost, assessment, fine, or fee. An outstanding legal financial obligation does not include any court ordered restitution to a victim under Section 5-5-6 of the Unified Code of Corrections, unless the restitution has been converted to a civil judgment. Nothing in this subparagraph (C) waives, rescinds, or abrogates a legal financial obligation or otherwise eliminates or affects the right of the holder of any

financial obligation to pursue collection under applicable federal, State, or local law.

(D) Notwithstanding any other provision of law, the court shall not deny a petition to expunge or seal under this Section because the petitioner has submitted a drug test taken within 30 days before the filing of the petition to expunge or seal that indicates a positive test for the presence of cannabis within the petitioner's body. In this subparagraph (D), "cannabis" has the meaning ascribed to it in Section 3 of the Cannabis Control Act.

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

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

(B) the reasons for retention of the conviction

records by the State;

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

(D) the period of time between the petitioner's arrest on the charge resulting in the conviction and the filing of the petition under this Section; and

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

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

(9) Implementation of order.

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

(i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency, the Illinois State Police, and any other agency as ordered by the court, within 60 days of the date of

service of the order, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

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

(iii) in response to an inquiry for expunged records, the court, the Illinois State Police, or the agency receiving such inquiry, shall reply as it does in response to inquiries when no records ever existed.

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

(i) the records shall be expunged (as defined in subsection (a)(1)(E)) by the arresting agency and any other agency as ordered by the court, within 60 days of the date of service of the order, unless a motion to vacate, modify, or reconsider

the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

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

(iii) the records shall be impounded by the Illinois State Police within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed pursuant to paragraph (12) of subsection (d) of this Section;

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

(v) in response to an inquiry for such records from anyone not authorized by law to access such

records, the court, the Illinois State Police, or the agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

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

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

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

(iii) the records shall be impounded by the Illinois State Police within 60 days of the date of service of the order as ordered by the court, unless a motion to vacate, modify, or reconsider the order is filed under paragraph (12) of

subsection (d) of this Section;

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

(v) in response to an inquiry for these records from anyone not authorized by law to access the records, the court, the Illinois State Police, or the agency receiving the inquiry shall reply as it does in response to inquiries when no records ever existed.

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

(D) The Illinois State Police shall send written

notice to the petitioner of its compliance with each order to expunge or seal records within 60 days of the date of service of that order or, if a motion to vacate, modify, or reconsider is filed, within 60 days of service of the order resolving the motion, if that order requires the Illinois State Police to expunge or seal records. In the event of an appeal from the circuit court order, the Illinois State Police shall send written notice to the petitioner of its compliance with an Appellate Court or Supreme Court judgment to expunge or seal records within 60 days of the issuance of the court's mandate. The notice is not required while any motion to vacate, modify, or reconsider, or any appeal or petition for discretionary appellate review, is pending.

(E) Upon motion, the court may order that a sealed judgment or other court record necessary to demonstrate the amount of any legal financial obligation due and owing be made available for the limited purpose of collecting any legal financial obligations owed by the petitioner that were established, imposed, or originated in the criminal proceeding for which those records have been sealed. The records made available under this subparagraph (E) shall not be entered into the official index required to be kept by the circuit court clerk under Section 16

of the Clerks of Courts Act and shall be immediately re-impounded upon the collection of the outstanding financial obligations.

(F) Notwithstanding any other provision of this Section, a circuit court clerk may access a sealed record for the limited purpose of collecting payment for any legal financial obligations that were established, imposed, or originated in the criminal proceedings for which those records have been sealed.

(10) Fees. The Illinois State Police may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal records. Notwithstanding any provision of the Clerks of Courts Act to the contrary, the circuit court clerk may charge a fee equivalent to the cost associated with the sealing or expungement of records by the circuit court clerk. From the total filing fee collected for the petition to seal or expunge, the circuit court clerk shall deposit $10 into the Circuit Court Clerk Operation and Administrative Fund, to be used to offset the costs incurred by the circuit court clerk in performing the additional duties required to serve the petition to seal or expunge on all parties. The circuit court clerk shall collect and remit the Illinois State Police portion of the fee to the State Treasurer and it shall be deposited in the State Police Services Fund. If the record brought under an expungement petition was

previously sealed under this Section, the fee for the expungement petition for that same record shall be waived.

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

(12) Motion to Vacate, Modify, or Reconsider. Under Section 2-1203 of the Code of Civil Procedure, the petitioner or any party entitled to notice may file a motion to vacate, modify, or reconsider the order granting or denying the petition to expunge or seal within 60 days of service of the order. If filed more than 60 days after service of the order, a petition to vacate, modify, or reconsider shall comply with subsection (c) of Section 2-1401 of the Code of Civil Procedure. Upon filing of a motion to vacate, modify, or reconsider, notice of the motion shall be served upon the petitioner and all parties entitled to notice of the petition.

(13) Effect of Order. An order granting a petition under the expungement or sealing provisions of this Section shall not be considered void because it fails to comply with the provisions of this Section or because of any error asserted in a motion to vacate, modify, or reconsider. The circuit court retains jurisdiction to determine whether the order is voidable and to vacate,

modify, or reconsider its terms based on a motion filed under paragraph (12) of this subsection (d).

(14) Compliance with Order Granting Petition to Seal Records. Unless a court has entered a stay of an order granting a petition to seal, all parties entitled to notice of the petition must fully comply with the terms of the order within 60 days of service of the order even if a party is seeking relief from the order through a motion filed under paragraph (12) of this subsection (d) or is appealing the order.

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

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

(e) Whenever a person who has been convicted of an offense

is granted a pardon by the Governor which specifically authorizes expungement, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Illinois State Police be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Illinois State Police may be disseminated by the Illinois State Police only to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Illinois State Police pertaining to that individual. Upon entry of the order of expungement, the circuit court clerk shall promptly mail a copy of the order to

the person who was pardoned.

(e-5) Whenever a person who has been convicted of an offense is granted a certificate of eligibility for sealing by the Prisoner Review Board which specifically authorizes sealing, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, have a court order entered sealing the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Illinois State Police be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the petitioner obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been granted the certificate but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Illinois State Police may be disseminated by the Illinois State Police only as required by this Act or to the arresting authority, a law enforcement agency, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any

subsequent offense, the Department of Corrections shall have access to all sealed records of the Illinois State Police pertaining to that individual. Upon entry of the order of sealing, the circuit court clerk shall promptly mail a copy of the order to the person who was granted the certificate of eligibility for sealing.

(e-6) Whenever a person who has been convicted of an offense is granted a certificate of eligibility for expungement by the Prisoner Review Board which specifically authorizes expungement, he or she may, upon verified petition to the Chief Judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Illinois State Police be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the petitioner obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he or she had been granted the certificate but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Illinois State Police may be

disseminated by the Illinois State Police only as required by this Act or to the arresting authority, a law enforcement agency, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all expunged records of the Illinois State Police pertaining to that individual. Upon entry of the order of expungement, the circuit court clerk shall promptly mail a copy of the order to the person who was granted the certificate of eligibility for expungement.

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

(g) Immediate Sealing.

(1) Applicability. Notwithstanding any other provision of this Act to the contrary, and cumulative with any

rights to expungement or sealing of criminal records, this subsection authorizes the immediate sealing of criminal records of adults and of minors prosecuted as adults.

(2) Eligible Records. Arrests or charges not initiated by arrest resulting in acquittal or dismissal with prejudice, except as excluded by subsection (a)(3)(B), that occur on or after January 1, 2018 (the effective date of Public Act 100-282), may be sealed immediately if the petition is filed with the circuit court clerk on the same day and during the same hearing in which the case is disposed.

(3) When Records are Eligible to be Immediately Sealed. Eligible records under paragraph (2) of this subsection (g) may be sealed immediately after entry of the final disposition of a case, notwithstanding the disposition of other charges in the same case.

(4) Notice of Eligibility for Immediate Sealing. Upon entry of a disposition for an eligible record under this subsection (g), the defendant shall be informed by the court of his or her right to have eligible records immediately sealed and the procedure for the immediate sealing of these records.

(5) Procedure. The following procedures apply to immediate sealing under this subsection (g).

(A) Filing the Petition. Upon entry of the final disposition of the case, the defendant's attorney may

immediately petition the court, on behalf of the defendant, for immediate sealing of eligible records under paragraph (2) of this subsection (g) that are entered on or after January 1, 2018 (the effective date of Public Act 100-282). The immediate sealing petition may be filed with the circuit court clerk during the hearing in which the final disposition of the case is entered. If the defendant's attorney does not file the petition for immediate sealing during the hearing, the defendant may file a petition for sealing at any time as authorized under subsection (c)(3)(A).

(B) Contents of Petition. The immediate sealing petition shall be verified and shall contain the petitioner's name, date of birth, current address, and for each eligible record, the case number, the date of arrest if applicable, the identity of the arresting authority if applicable, and other information as the court may require.

(C) Drug Test. The petitioner shall not be required to attach proof that he or she has passed a drug test.

(D) Service of Petition. A copy of the petition shall be served on the State's Attorney in open court. The petitioner shall not be required to serve a copy of the petition on any other agency.

(E) Entry of Order. The presiding trial judge

shall enter an order granting or denying the petition for immediate sealing during the hearing in which it is filed. Petitions for immediate sealing shall be ruled on in the same hearing in which the final disposition of the case is entered.

(F) Hearings. The court shall hear the petition for immediate sealing on the same day and during the same hearing in which the disposition is rendered.

(G) Service of Order. An order to immediately seal eligible records shall be served in conformance with subsection (d)(8).

(H) Implementation of Order. An order to immediately seal records shall be implemented in conformance with subsections (d)(9)(C) and (d)(9)(D).

(I) Fees. The fee imposed by the circuit court clerk and the Illinois State Police shall comply with paragraph (1) of subsection (d) of this Section.

(J) Final Order. No court order issued under this subsection (g) shall become final for purposes of appeal until 30 days after service of the order on the petitioner and all parties entitled to service of the order in conformance with subsection (d)(8).

(K) Motion to Vacate, Modify, or Reconsider. Under Section 2-1203 of the Code of Civil Procedure, the petitioner, State's Attorney, or the Illinois State Police may file a motion to vacate, modify, or

reconsider the order denying the petition to immediately seal within 60 days of service of the order. If filed more than 60 days after service of the order, a petition to vacate, modify, or reconsider shall comply with subsection (c) of Section 2-1401 of the Code of Civil Procedure.

(L) Effect of Order. An order granting an immediate sealing petition shall not be considered void because it fails to comply with the provisions of this Section or because of an error asserted in a motion to vacate, modify, or reconsider. The circuit court retains jurisdiction to determine whether the order is voidable, and to vacate, modify, or reconsider its terms based on a motion filed under subparagraph (L) of this subsection (g).

(M) Compliance with Order Granting Petition to Seal Records. Unless a court has entered a stay of an order granting a petition to immediately seal, all parties entitled to service of the order must fully comply with the terms of the order within 60 days of service of the order.

(h) Sealing; trafficking victims.

(1) A trafficking victim as defined by paragraph (10) of subsection (a) of Section 10-9 of the Criminal Code of 2012 shall be eligible to petition for immediate sealing of his or her criminal record upon the completion of his or

her last sentence if his or her participation in the underlying offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 or a severe form of trafficking under the federal Trafficking Victims Protection Act.

(2) A petitioner under this subsection (h), in addition to the requirements provided under paragraph (4) of subsection (d) of this Section, shall include in his or her petition a clear and concise statement that: (A) he or she was a victim of human trafficking at the time of the offense; and (B) that his or her participation in the offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 or a severe form of trafficking under the federal Trafficking Victims Protection Act.

(3) If an objection is filed alleging that the petitioner is not entitled to immediate sealing under this subsection (h), the court shall conduct a hearing under paragraph (7) of subsection (d) of this Section and the court shall determine whether the petitioner is entitled to immediate sealing under this subsection (h). A petitioner is eligible for immediate relief under this subsection (h) if he or she shows, by a preponderance of the evidence, that: (A) he or she was a victim of human trafficking at the time of the offense; and (B) that his or her participation in the offense was a direct result of

human trafficking under Section 10-9 of the Criminal Code of 2012 or a severe form of trafficking under the federal Trafficking Victims Protection Act.

(i) Minor Cannabis Offenses under the Cannabis Control Act.

(1) Expungement of Arrest Records of Minor Cannabis Offenses.

(A) The Illinois State Police and all law enforcement agencies within the State shall automatically expunge all criminal history records of an arrest, charge not initiated by arrest, order of supervision, or order of qualified probation for a Minor Cannabis Offense committed prior to June 25, 2019 (the effective date of Public Act 101-27) if:

(i) One year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records; and

(ii) No criminal charges were filed relating to the arrest or law enforcement interaction or criminal charges were filed and subsequently dismissed or vacated or the arrestee was acquitted.

(B) If the law enforcement agency is unable to verify satisfaction of condition (ii) in paragraph (A), records that satisfy condition (i) in paragraph (A) shall be automatically expunged.

(C) Records shall be expunged by the law enforcement agency under the following timelines:

(i) Records created prior to June 25, 2019 (the effective date of Public Act 101-27), but on or after January 1, 2013, shall be automatically expunged prior to January 1, 2021;

(ii) Records created prior to January 1, 2013, but on or after January 1, 2000, shall be automatically expunged prior to January 1, 2023;

(iii) Records created prior to January 1, 2000 shall be automatically expunged prior to January 1, 2025.

In response to an inquiry for expunged records, the law enforcement agency receiving such inquiry shall reply as it does in response to inquiries when no records ever existed; however, it shall provide a certificate of disposition or confirmation that the record was expunged to the individual whose record was expunged if such a record exists.

(D) Nothing in this Section shall be construed to restrict or modify an individual's right to have that individual's records expunged except as otherwise may be provided in this Act, or diminish or abrogate any rights or remedies otherwise available to the individual.

(2) Pardons Authorizing Expungement of Minor Cannabis

Offenses.

(A) Upon June 25, 2019 (the effective date of Public Act 101-27), the Department of State Police shall review all criminal history record information and identify all records that meet all of the following criteria:

(i) one or more convictions for a Minor Cannabis Offense;

(ii) the conviction identified in paragraph (2)(A)(i) did not include a penalty enhancement under Section 7 of the Cannabis Control Act; and

(iii) the conviction identified in paragraph (2)(A)(i) is not associated with a conviction for a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act.

(B) Within 180 days after June 25, 2019 (the effective date of Public Act 101-27), the Department of State Police shall notify the Prisoner Review Board of all such records that meet the criteria established in paragraph (2)(A).

(i) The Prisoner Review Board shall notify the State's Attorney of the county of conviction of each record identified by State Police in paragraph (2)(A) that is classified as a Class 4 felony. The State's Attorney may provide a written

objection to the Prisoner Review Board on the sole basis that the record identified does not meet the criteria established in paragraph (2)(A). Such an objection must be filed within 60 days or by such later date set by the Prisoner Review Board in the notice after the State's Attorney received notice from the Prisoner Review Board.

(ii) In response to a written objection from a State's Attorney, the Prisoner Review Board is authorized to conduct a non-public hearing to evaluate the information provided in the objection.

(iii) The Prisoner Review Board shall make a confidential and privileged recommendation to the Governor as to whether to grant a pardon authorizing expungement for each of the records identified by the Department of State Police as described in paragraph (2)(A).

(C) If an individual has been granted a pardon authorizing expungement as described in this Section, the Prisoner Review Board, through the Attorney General, shall file a petition for expungement with the Chief Judge of the circuit or any judge of the circuit designated by the Chief Judge where the individual had been convicted. Such petition may include more than one individual. Whenever an

individual who has been convicted of an offense is granted a pardon by the Governor that specifically authorizes expungement, an objection to the petition may not be filed. Petitions to expunge under this subsection (i) may include more than one individual. Within 90 days of the filing of such a petition, the court shall enter an order expunging the records of arrest from the official records of the arresting authority and order that the records of the circuit court clerk and the Illinois State Police be expunged and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which the individual had received a pardon but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Upon entry of the order of expungement, the circuit court clerk shall promptly provide a copy of the order and a certificate of disposition to the individual who was pardoned to the individual's last known address or by electronic means (if available) or otherwise make it available to the individual upon request.

(D) Nothing in this Section is intended to diminish or abrogate any rights or remedies otherwise

available to the individual.

(3) Any individual may file a motion to vacate and expunge a conviction for a misdemeanor or Class 4 felony violation of Section 4 or Section 5 of the Cannabis Control Act. Motions to vacate and expunge under this subsection (i) may be filed with the circuit court, Chief Judge of a judicial circuit or any judge of the circuit designated by the Chief Judge. The circuit court clerk shall promptly serve a copy of the motion to vacate and expunge, and any supporting documentation, on the State's Attorney or prosecutor charged with the duty of prosecuting the offense. When considering such a motion to vacate and expunge, a court shall consider the following: the reasons to retain the records provided by law enforcement, the petitioner's age, the petitioner's age at the time of offense, the time since the conviction, and the specific adverse consequences if denied. An individual may file such a petition after the completion of any non-financial sentence or non-financial condition imposed by the conviction. Within 60 days of the filing of such motion, a State's Attorney may file an objection to such a petition along with supporting evidence. If a motion to vacate and expunge is granted, the records shall be expunged in accordance with subparagraphs (d)(8) and (d)(9)(A) of this Section. An agency providing civil legal aid, as defined by Section 15 of the Public Interest

Attorney Assistance Act, assisting individuals seeking to file a motion to vacate and expunge under this subsection may file motions to vacate and expunge with the Chief Judge of a judicial circuit or any judge of the circuit designated by the Chief Judge, and the motion may include more than one individual. Motions filed by an agency providing civil legal aid concerning more than one individual may be prepared, presented, and signed electronically.

(4) Any State's Attorney may file a motion to vacate and expunge a conviction for a misdemeanor or Class 4 felony violation of Section 4 or Section 5 of the Cannabis Control Act. Motions to vacate and expunge under this subsection (i) may be filed with the circuit court, Chief Judge of a judicial circuit or any judge of the circuit designated by the Chief Judge, and may include more than one individual. Motions filed by a State's Attorney concerning more than one individual may be prepared, presented, and signed electronically. When considering such a motion to vacate and expunge, a court shall consider the following: the reasons to retain the records provided by law enforcement, the individual's age, the individual's age at the time of offense, the time since the conviction, and the specific adverse consequences if denied. Upon entry of an order granting a motion to vacate and expunge records pursuant to this Section, the State's

Attorney shall notify the Prisoner Review Board within 30 days. Upon entry of the order of expungement, the circuit court clerk shall promptly provide a copy of the order and a certificate of disposition to the individual whose records will be expunged to the individual's last known address or by electronic means (if available) or otherwise make available to the individual upon request. If a motion to vacate and expunge is granted, the records shall be expunged in accordance with subparagraphs (d)(8) and (d)(9)(A) of this Section.

(5) In the public interest, the State's Attorney of a county has standing to file motions to vacate and expunge pursuant to this Section in the circuit court with jurisdiction over the underlying conviction.

(6) If a person is arrested for a Minor Cannabis Offense as defined in this Section before June 25, 2019 (the effective date of Public Act 101-27) and the person's case is still pending but a sentence has not been imposed, the person may petition the court in which the charges are pending for an order to summarily dismiss those charges against him or her, and expunge all official records of his or her arrest, plea, trial, conviction, incarceration, supervision, or expungement. If the court determines, upon review, that: (A) the person was arrested before June 25, 2019 (the effective date of Public Act 101-27) for an offense that has been made eligible for expungement; (B)

the case is pending at the time; and (C) the person has not been sentenced of the minor cannabis violation eligible for expungement under this subsection, the court shall consider the following: the reasons to retain the records provided by law enforcement, the petitioner's age, the petitioner's age at the time of offense, the time since the conviction, and the specific adverse consequences if denied. If a motion to dismiss and expunge is granted, the records shall be expunged in accordance with subparagraph (d)(9)(A) of this Section.

(7) A person imprisoned solely as a result of one or more convictions for Minor Cannabis Offenses under this subsection (i) shall be released from incarceration upon the issuance of an order under this subsection.

(8) The Illinois State Police shall allow a person to use the access and review process, established in the Illinois State Police, for verifying that his or her records relating to Minor Cannabis Offenses of the Cannabis Control Act eligible under this Section have been expunged.

(9) No conviction vacated pursuant to this Section shall serve as the basis for damages for time unjustly served as provided in the Court of Claims Act.

(10) Effect of Expungement. A person's right to expunge an expungeable offense shall not be limited under this Section. The effect of an order of expungement shall

be to restore the person to the status he or she occupied before the arrest, charge, or conviction.

(11) Information. The Illinois State Police shall post general information on its website about the expungement process described in this subsection (i).

(j) Felony Prostitution Convictions.

(1) Any individual may file a motion to vacate and expunge a conviction for a prior Class 4 felony violation of prostitution. Motions to vacate and expunge under this subsection (j) may be filed with the circuit court, Chief Judge of a judicial circuit, or any judge of the circuit designated by the Chief Judge. When considering the motion to vacate and expunge, a court shall consider the following:

(A) the reasons to retain the records provided by law enforcement;

(B) the petitioner's age;

(C) the petitioner's age at the time of offense; and

(D) the time since the conviction, and the specific adverse consequences if denied. An individual may file the petition after the completion of any sentence or condition imposed by the conviction. Within 60 days of the filing of the motion, a State's Attorney may file an objection to the petition along with supporting evidence. If a motion to vacate and

expunge is granted, the records shall be expunged in accordance with subparagraph (d)(9)(A) of this Section. An agency providing civil legal aid, as defined in Section 15 of the Public Interest Attorney Assistance Act, assisting individuals seeking to file a motion to vacate and expunge under this subsection may file motions to vacate and expunge with the Chief Judge of a judicial circuit or any judge of the circuit designated by the Chief Judge, and the motion may include more than one individual.

(2) Any State's Attorney may file a motion to vacate and expunge a conviction for a Class 4 felony violation of prostitution. Motions to vacate and expunge under this subsection (j) may be filed with the circuit court, Chief Judge of a judicial circuit, or any judge of the circuit court designated by the Chief Judge, and may include more than one individual. When considering the motion to vacate and expunge, a court shall consider the following reasons:

(A) the reasons to retain the records provided by law enforcement;

(B) the petitioner's age;

(C) the petitioner's age at the time of offense;

(D) the time since the conviction; and

(E) the specific adverse consequences if denied.

If the State's Attorney files a motion to vacate and expunge records for felony prostitution convictions

pursuant to this Section, the State's Attorney shall notify the Prisoner Review Board within 30 days of the filing. If a motion to vacate and expunge is granted, the records shall be expunged in accordance with subparagraph (d)(9)(A) of this Section.

(3) In the public interest, the State's Attorney of a county has standing to file motions to vacate and expunge pursuant to this Section in the circuit court with jurisdiction over the underlying conviction.

(4) The Illinois State Police shall allow a person to a use the access and review process, established in the Illinois State Police, for verifying that his or her records relating to felony prostitution eligible under this Section have been expunged.

(5) No conviction vacated pursuant to this Section shall serve as the basis for damages for time unjustly served as provided in the Court of Claims Act.

(6) Effect of Expungement. A person's right to expunge an expungeable offense shall not be limited under this Section. The effect of an order of expungement shall be to restore the person to the status he or she occupied before the arrest, charge, or conviction.

(7) Information. The Illinois State Police shall post general information on its website about the expungement process described in this subsection (j).

(Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;

101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff. 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21; 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)

Section 115. The Illinois Emergency Management Agency Act is amended by changing Section 23 as follows:

(20 ILCS 3305/23)

(Section scheduled to be repealed on January 1, 2032)

Sec. 23. Access and Functional Needs Advisory Committee.

(a) In this Section, "Advisory Committee" means the Access and Functional Needs Advisory Committee.

(b) The Access and Functional Needs Advisory Committee is created.

(c) The Advisory Committee shall:

(1) Coordinate meetings occurring, at a minimum, 3 times each year, in addition to emergency meetings called by the chairperson of the Advisory Committee.

(2) Research and provide recommendations for identifying and effectively responding to the needs of persons with access and functional needs before, during, and after a disaster using an intersectional lens for equity.

(3) Provide recommendations to the Illinois Emergency Management Agency regarding how to ensure that persons

with a disability are included in disaster strategies and emergency management plans, including updates and implementation of disaster strategies and emergency management plans.

(4) Review and provide recommendations for the Illinois Emergency Management Agency, and all relevant State agencies that are involved in drafting and implementing the Illinois Emergency Operation Plan, to integrate access and functional needs into State and local emergency plans.

(d) The Advisory Committee shall be composed of the Director of the Illinois Emergency Management Agency or his or her designee, the Attorney General or his or her designee, the Secretary of Human Services or his or her designee, the Director of ~~on~~ Aging or his or her designee, and the Director of Public Health or his or her designee, together with the following members appointed by the Governor on or before January 1, 2022:

(1) Two members, either from a municipal or county-level emergency agency or a local emergency management coordinator.

(2) Nine members from the community of persons with a disability who represent persons with different types of disabilities, including, but not limited to, individuals with mobility and physical disabilities, hearing and visual disabilities, deafness or who are hard of hearing,

blindness or who have low vision, mental health disabilities, and intellectual or developmental disabilities. Members appointed under this paragraph shall reflect a diversity of age, gender, race, and ethnic background.

(3) Four members who represent first responders from different geographical regions around the State.

(e) Of those members appointed by the Governor, the initial appointments of 6 members shall be for terms of 2 years and the initial appointments of 5 members shall be for terms of 4 years. Thereafter, members shall be appointed for terms of 4 years. A member shall serve until his or her successor is appointed and qualified. If a vacancy occurs in the Advisory Committee membership, the vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(f) After all the members are appointed, and annually thereafter, they shall elect a chairperson from among the members appointed under paragraph (2) of subsection (d).

(g) The initial meeting of the Advisory Committee shall be convened by the Director of the Illinois Emergency Management Agency no later than February 1, 2022.

(h) Advisory Committee members shall serve without compensation.

(i) The Illinois Emergency Management Agency shall provide administrative support to the Advisory Committee.

(j) The Advisory Committee shall prepare and deliver a report to the General Assembly, the Governor's Office, and the Illinois Emergency Management Agency by July 1, 2022, and annually thereafter. The report shall include the following:

(1) Identification of core emergency management services that need to be updated or changed to ensure the needs of persons with a disability are met, and shall include disaster strategies in State and local emergency plans.

(2) Any proposed changes in State policies, laws, rules, or regulations necessary to fulfill the purposes of this Act.

(3) Recommendations on improving the accessibility and effectiveness of disaster and emergency communication.

(4) Recommendations on comprehensive training for first responders and other frontline workers when working with persons with a disability during emergency situations or disasters, as defined in Section 4 of the Illinois Emergency Management Agency Act.

(5) Any additional recommendations regarding emergency management and persons with a disability that the Advisory Committee deems necessary.

(k) The annual report prepared and delivered under subsection (j) shall be annually considered by the Illinois Emergency Management Agency when developing new State and local emergency plans or updating existing State and local

emergency plans.

(l) The Advisory Committee is dissolved and this Section is repealed on January 1, 2032.

(Source: P.A. 102-361, eff. 8-13-21; 102-671, eff. 11-30-21; revised 8-24-22.)

Section 120. The Illinois State Agency Historic Resources Preservation Act is amended by changing Section 5 as follows:

(20 ILCS 3420/5) (from Ch. 127, par. 133c25)

Sec. 5. Responsibilities of the Department of Natural Resources.

(a) The Director shall include in the Department's annual report an outline of State agency actions on which comment was requested or issued under this Act.

(b) The Director shall maintain a current list of all historic resources owned, operated, or leased by the State and appropriate maps indicating the location of all such resources. These maps shall be in a form available to the public and State agencies, except that the location of archaeological resources shall be excluded.

(c) The Director shall make rules and issue appropriate guidelines to implement this Act. These shall include, but not be limited to, regulations for holding on-site inspections, public information meetings and procedures for consultation, mediation, and resolutions by the Committee pursuant to

subsections (e) and (f) of Section 4.

(d) The Director shall (1) assist, to the fullest extent possible, the State agencies in their identification of properties for inclusion in an inventory of historic resources, including provision of criteria for evaluation; (2) provide information concerning professional methods and techniques for preserving, improving, restoring, and maintaining historic resources when requested by State agencies; and (3) help facilitate State agency compliance with this Act.

(e) The Director shall monitor the implementation of actions of each State agency which have an effect, either adverse or beneficial, on a ~~an~~ historic resource.

(f) The Department of Natural Resources shall manage and control the preservation, conservation, inventory, and analysis of fine and decorative arts, furnishings, and artifacts of the Illinois Executive Mansion in Springfield, the Governor's offices in the Capitol in Springfield and the James R. Thompson Center in Chicago, and the Hayes House in DuQuoin. The Department of Natural Resources shall manage the preservation and conservation of the buildings and grounds of the Illinois Executive Mansion in Springfield. The Governor shall appoint a Curator of the Executive Mansion, with the advice and consent of the Senate, to assist the Department of Natural Resources in carrying out the duties under this item (f). The person appointed Curator must have experience in

historic preservation or as a curator. The Curator shall serve at the pleasure of the Governor. The Governor shall determine the compensation of the Curator, which shall not be diminished during the term of appointment.

(Source: P.A. 102-1005, eff. 5-27-22; revised 8-22-22.)

Section 125. The Illinois Power Agency Act is amended by changing Section 1-10 as follows:

(20 ILCS 3855/1-10)

Sec. 1-10. Definitions.

"Agency" means the Illinois Power Agency.

"Agency loan agreement" means any agreement pursuant to which the Illinois Finance Authority agrees to loan the proceeds of revenue bonds issued with respect to a project to the Agency upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, interest and premium, if any, on those revenue bonds, and providing for maintenance, insurance, and other matters in respect of the project.

"Authority" means the Illinois Finance Authority.

"Brownfield site photovoltaic project" means photovoltaics that are either:

(1) interconnected to an electric utility as defined in this Section, a municipal utility as defined in this Section, a public utility as defined in Section 3-105 of

the Public Utilities Act, or an electric cooperative as defined in Section 3-119 of the Public Utilities Act and located at a site that is regulated by any of the following entities under the following programs:

(A) the United States Environmental Protection Agency under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended;

(B) the United States Environmental Protection Agency under the Corrective Action Program of the federal Resource Conservation and Recovery Act, as amended;

(C) the Illinois Environmental Protection Agency under the Illinois Site Remediation Program; or

(D) the Illinois Environmental Protection Agency under the Illinois Solid Waste Program; or

(2) located at the site of a coal mine that has permanently ceased coal production, permanently halted any re-mining operations, and is no longer accepting any coal combustion residues; has both completed all clean-up and remediation obligations under the federal Surface Mining and Reclamation Act of 1977 and all applicable Illinois rules and any other clean-up, remediation, or ongoing monitoring to safeguard the health and well-being of the people of the State of Illinois, as well as demonstrated compliance with all applicable federal and State

environmental rules and regulations, including, but not limited, to 35 Ill. Adm. Code Part 845 and any rules for historic fill of coal combustion residuals, including any rules finalized in Subdocket A of Illinois Pollution Control Board docket R2020-019.

"Clean coal facility" means an electric generating facility that uses primarily coal as a feedstock and that captures and sequesters carbon dioxide emissions at the following levels: at least 50% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation before 2016, at least 70% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation during 2016 or 2017, and at least 90% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation after 2017. The power block of the clean coal facility shall not exceed allowable emission rates for sulfur dioxide, nitrogen oxides, carbon monoxide, particulates and mercury for a natural gas-fired combined-cycle facility the same size as and in the same location as the clean coal facility at the time the clean coal facility obtains an approved air permit. All coal used by a clean coal facility shall have high volatile bituminous rank and greater than 1.7 pounds of sulfur per

million Btu ~~btu~~ content, unless the clean coal facility does not use gasification technology and was operating as a conventional coal-fired electric generating facility on June 1, 2009 (the effective date of Public Act 95-1027).

"Clean coal SNG brownfield facility" means a facility that (1) has commenced construction by July 1, 2015 on an urban brownfield site in a municipality with at least 1,000,000 residents; (2) uses a gasification process to produce substitute natural gas; (3) uses coal as at least 50% of the total feedstock over the term of any sourcing agreement with a utility and the remainder of the feedstock may be either petroleum coke or coal, with all such coal having a high bituminous rank and greater than 1.7 pounds of sulfur per million Btu content unless the facility reasonably determines that it is necessary to use additional petroleum coke to deliver additional consumer savings, in which case the facility shall use coal for at least 35% of the total feedstock over the term of any sourcing agreement; and (4) captures and sequesters at least 85% of the total carbon dioxide emissions that the facility would otherwise emit.

"Clean coal SNG facility" means a facility that uses a gasification process to produce substitute natural gas, that sequesters at least 90% of the total carbon dioxide emissions that the facility would otherwise emit, that uses at least 90% coal as a feedstock, with all such coal having a high bituminous rank and greater than 1.7 pounds of sulfur per

million Btu ~~btu~~ content, and that has a valid and effective permit to construct emission sources and air pollution control equipment and approval with respect to the federal regulations for Prevention of Significant Deterioration of Air Quality (PSD) for the plant pursuant to the federal Clean Air Act; provided, however, a clean coal SNG brownfield facility shall not be a clean coal SNG facility.

"Clean energy" means energy generation that is 90% or greater free of carbon dioxide emissions.

"Commission" means the Illinois Commerce Commission.

"Community renewable generation project" means an electric generating facility that:

(1) is powered by wind, solar thermal energy, photovoltaic cells or panels, biodiesel, crops and untreated and unadulterated organic waste biomass, and hydropower that does not involve new construction or significant expansion of hydropower dams;

(2) is interconnected at the distribution system level of an electric utility as defined in this Section, a municipal utility as defined in this Section that owns or operates electric distribution facilities, a public utility as defined in Section 3-105 of the Public Utilities Act, or an electric cooperative, as defined in Section 3-119 of the Public Utilities Act;

(3) credits the value of electricity generated by the facility to the subscribers of the facility; and

(4) is limited in nameplate capacity to less than or equal to 5,000 kilowatts.

"Costs incurred in connection with the development and construction of a facility" means:

(1) the cost of acquisition of all real property, fixtures, and improvements in connection therewith and equipment, personal property, and other property, rights, and easements acquired that are deemed necessary for the operation and maintenance of the facility;

(2) financing costs with respect to bonds, notes, and other evidences of indebtedness of the Agency;

(3) all origination, commitment, utilization, facility, placement, underwriting, syndication, credit enhancement, and rating agency fees;

(4) engineering, design, procurement, consulting, legal, accounting, title insurance, survey, appraisal, escrow, trustee, collateral agency, interest rate hedging, interest rate swap, capitalized interest, contingency, as required by lenders, and other financing costs, and other expenses for professional services; and

(5) the costs of plans, specifications, site study and investigation, installation, surveys, other Agency costs and estimates of costs, and other expenses necessary or incidental to determining the feasibility of any project, together with such other expenses as may be necessary or incidental to the financing, insuring, acquisition, and

construction of a specific project and starting up, commissioning, and placing that project in operation.

"Delivery services" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Delivery year" means the consecutive 12-month period beginning June 1 of a given year and ending May 31 of the following year.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of the Illinois Power Agency.

"Demand-response" means measures that decrease peak electricity demand or shift demand from peak to off-peak periods.

"Distributed renewable energy generation device" means a device that is:

(1) powered by wind, solar thermal energy, photovoltaic cells or panels, biodiesel, crops and untreated and unadulterated organic waste biomass, tree waste, and hydropower that does not involve new construction or significant expansion of hydropower dams, waste heat to power systems, or qualified combined heat and power systems;

(2) interconnected at the distribution system level of either an electric utility as defined in this Section, a municipal utility as defined in this Section that owns or

operates electric distribution facilities, or a rural electric cooperative as defined in Section 3-119 of the Public Utilities Act;

(3) located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load; and

(4) (blank).

"Energy efficiency" means measures that reduce the amount of electricity or natural gas consumed in order to achieve a given end use. "Energy efficiency" includes voltage optimization measures that optimize the voltage at points on the electric distribution voltage system and thereby reduce electricity consumption by electric customers' end use devices. "Energy efficiency" also includes measures that reduce the total Btus of electricity, natural gas, and other fuels needed to meet the end use or uses.

"Electric utility" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Equity investment eligible community" or "eligible community" are synonymous and mean the geographic areas throughout Illinois which would most benefit from equitable investments by the State designed to combat discrimination. Specifically, the eligible communities shall be defined as the following areas:

(1) R3 Areas as established pursuant to Section 10-40 of the Cannabis Regulation and Tax Act, where residents

have historically been excluded from economic opportunities, including opportunities in the energy sector; and

(2) environmental ~~Environmental~~ justice communities, as defined by the Illinois Power Agency pursuant to the Illinois Power Agency Act, where residents have historically been subject to disproportionate burdens of pollution, including pollution from the energy sector.

"Equity eligible persons" or "eligible persons" means persons who would most benefit from equitable investments by the State designed to combat discrimination, specifically:

(1) persons who graduate from or are current or former participants in the Clean Jobs Workforce Network Program, the Clean Energy Contractor Incubator Program, the Illinois Climate Works Preapprenticeship Program, Returning Residents Clean Jobs Training Program, or the Clean Energy Primes Contractor Accelerator Program, and the solar training pipeline and multi-cultural jobs program created in paragraphs (a)(1) and (a)(3) of Section 16-208.12 ~~16-108.21~~ of the Public Utilities Act;

(2) persons who are graduates of or currently enrolled in the foster care system;

(3) persons who were formerly incarcerated;

(4) persons whose primary residence is in an equity investment eligible community.

"Equity eligible contractor" means a business that is

majority-owned by eligible persons, or a nonprofit or cooperative that is majority-governed by eligible persons, or is a natural person that is an eligible person offering personal services as an independent contractor.

"Facility" means an electric generating unit or a co-generating unit that produces electricity along with related equipment necessary to connect the facility to an electric transmission or distribution system.

"General contractor ~~Contractor~~" means the entity or organization with main responsibility for the building of a construction project and who is the party signing the prime construction contract for the project.

"Governmental aggregator" means one or more units of local government that individually or collectively procure electricity to serve residential retail electrical loads located within its or their jurisdiction.

"High voltage direct current converter station" means the collection of equipment that converts direct current energy from a high voltage direct current transmission line into alternating current using Voltage Source Conversion technology and that is interconnected with transmission or distribution assets located in Illinois.

"High voltage direct current renewable energy credit" means a renewable energy credit associated with a renewable energy resource where the renewable energy resource has entered into a contract to transmit the energy associated with

such renewable energy credit over high voltage direct current transmission facilities.

"High voltage direct current transmission facilities" means the collection of installed equipment that converts alternating current energy in one location to direct current and transmits that direct current energy to a high voltage direct current converter station using Voltage Source Conversion technology. "High voltage direct current transmission facilities" includes the high voltage direct current converter station itself and associated high voltage direct current transmission lines. Notwithstanding the preceding, after September 15, 2021 (the effective date of Public Act 102-662) ~~this amendatory Act of the 102nd General Assembly~~, an otherwise qualifying collection of equipment does not qualify as high voltage direct current transmission facilities unless its developer entered into a project labor agreement, is capable of transmitting electricity at 525kv with an Illinois converter station located and interconnected in the region of the PJM Interconnection, LLC, and the system does not operate as a public utility, as that term is defined in Section 3-105 of the Public Utilities Act.

"Index price" means the real-time energy settlement price at the applicable Illinois trading hub, such as PJM-NIHUB or MISO-IL, for a given settlement period.

"Indexed renewable energy credit" means a tradable credit that represents the environmental attributes of one megawatt

hour of energy produced from a renewable energy resource, the price of which shall be calculated by subtracting the strike price offered by a new utility-scale wind project or a new utility-scale photovoltaic project from the index price in a given settlement period.

"Indexed renewable energy credit counterparty" has the same meaning as "public utility" as defined in Section 3-105 of the Public Utilities Act.

"Local government" means a unit of local government as defined in Section 1 of Article VII of the Illinois Constitution.

"Municipality" means a city, village, or incorporated town.

"Municipal utility" means a public utility owned and operated by any subdivision or municipal corporation of this State.

"Nameplate capacity" means the aggregate inverter nameplate capacity in kilowatts AC.

"Person" means any natural person, firm, partnership, corporation, either domestic or foreign, company, association, limited liability company, joint stock company, or association and includes any trustee, receiver, assignee, or personal representative thereof.

"Project" means the planning, bidding, and construction of a facility.

"Project labor agreement" means a pre-hire collective

bargaining agreement that covers all terms and conditions of employment on a specific construction project and must include the following:

(1) provisions establishing the minimum hourly wage for each class of labor organization employee;

(2) provisions establishing the benefits and other compensation for each class of labor organization employee;

(3) provisions establishing that no strike or disputes will be engaged in by the labor organization employees;

(4) provisions establishing that no lockout or disputes will be engaged in by the general contractor building the project; and

(5) provisions for minorities and women, as defined under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, setting forth goals for apprenticeship hours to be performed by minorities and women and setting forth goals for total hours to be performed by underrepresented minorities and women.

A labor organization and the general contractor building the project shall have the authority to include other terms and conditions as they deem necessary.

"Public utility" has the same definition as found in Section 3-105 of the Public Utilities Act.

"Qualified combined heat and power systems" means systems that, either simultaneously or sequentially, produce

electricity and useful thermal energy from a single fuel source. Such systems are eligible for "renewable energy credits" in an amount equal to its total energy output where a renewable fuel is consumed or in an amount equal to the net reduction in nonrenewable fuel consumed on a total energy output basis.

"Real property" means any interest in land together with all structures, fixtures, and improvements thereon, including lands under water and riparian rights, any easements, covenants, licenses, leases, rights-of-way, uses, and other interests, together with any liens, judgments, mortgages, or other claims or security interests related to real property.

"Renewable energy credit" means a tradable credit that represents the environmental attributes of one megawatt hour of energy produced from a renewable energy resource.

"Renewable energy resources" includes energy and its associated renewable energy credit or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, biodiesel, anaerobic digestion, crops and untreated and unadulterated organic waste biomass, and hydropower that does not involve new construction or significant expansion of hydropower dams, waste heat to power systems, or qualified combined heat and power systems. For purposes of this Act, landfill gas produced in the State is considered a renewable energy resource. "Renewable energy resources" does not include the incineration or burning of tires, garbage, general

household, institutional, and commercial waste, industrial lunchroom or office waste, landscape waste, railroad crossties, utility poles, or construction or demolition debris, other than untreated and unadulterated waste wood. "Renewable energy resources" also includes high voltage direct current renewable energy credits and the associated energy converted to alternating current by a high voltage direct current converter station to the extent that: (1) the generator of such renewable energy resource contracted with a third party to transmit the energy over the high voltage direct current transmission facilities, and (2) the third-party contracting for delivery of renewable energy resources over the high voltage direct current transmission facilities have ownership rights over the unretired associated high voltage direct current renewable energy credit.

"Retail customer" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Revenue bond" means any bond, note, or other evidence of indebtedness issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Agency.

"Sequester" means permanent storage of carbon dioxide by injecting it into a saline aquifer, a depleted gas reservoir, or an oil reservoir, directly or through an enhanced oil recovery process that may involve intermediate storage, regardless of whether these activities are conducted by a

clean coal facility, a clean coal SNG facility, a clean coal SNG brownfield facility, or a party with which a clean coal facility, clean coal SNG facility, or clean coal SNG brownfield facility has contracted for such purposes.

"Service area" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Settlement period" means the period of time utilized by MISO and PJM and their successor organizations as the basis for settlement calculations in the real-time energy market.

"Sourcing agreement" means (i) in the case of an electric utility, an agreement between the owner of a clean coal facility and such electric utility, which agreement shall have terms and conditions meeting the requirements of paragraph (3) of subsection (d) of Section 1-75, (ii) in the case of an alternative retail electric supplier, an agreement between the owner of a clean coal facility and such alternative retail electric supplier, which agreement shall have terms and conditions meeting the requirements of Section 16-115(d)(5) of the Public Utilities Act, and (iii) in case of a gas utility, an agreement between the owner of a clean coal SNG brownfield facility and the gas utility, which agreement shall have the terms and conditions meeting the requirements of subsection (h-1) of Section 9-220 of the Public Utilities Act.

"Strike price" means a contract price for energy and renewable energy credits from a new utility-scale wind project or a new utility-scale photovoltaic project.

"Subscriber" means a person who (i) takes delivery service from an electric utility, and (ii) has a subscription of no less than 200 watts to a community renewable generation project that is located in the electric utility's service area. No subscriber's subscriptions may total more than 40% of the nameplate capacity of an individual community renewable generation project. Entities that are affiliated by virtue of a common parent shall not represent multiple subscriptions that total more than 40% of the nameplate capacity of an individual community renewable generation project.

"Subscription" means an interest in a community renewable generation project expressed in kilowatts, which is sized primarily to offset part or all of the subscriber's electricity usage.

"Substitute natural gas" or "SNG" means a gas manufactured by gasification of hydrocarbon feedstock, which is substantially interchangeable in use and distribution with conventional natural gas.

"Total resource cost test" or "TRC test" means a standard that is met if, for an investment in energy efficiency or demand-response measures, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the program to the net present value of the total costs as calculated over the lifetime of the measures. A total resource cost test compares the sum of avoided electric utility costs, representing the

benefits that accrue to the system and the participant in the delivery of those efficiency measures and including avoided costs associated with reduced use of natural gas or other fuels, avoided costs associated with reduced water consumption, and avoided costs associated with reduced operation and maintenance costs, as well as other quantifiable societal benefits, to the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions), plus costs to administer, deliver, and evaluate each demand-side program, to quantify the net savings obtained by substituting the demand-side program for supply resources. In calculating avoided costs of power and energy that an electric utility would otherwise have had to acquire, reasonable estimates shall be included of financial costs likely to be imposed by future regulations and legislation on emissions of greenhouse gases. In discounting future societal costs and benefits for the purpose of calculating net present values, a societal discount rate based on actual, long-term Treasury bond yields should be used. Notwithstanding anything to the contrary, the TRC test shall not include or take into account a calculation of market price suppression effects or demand reduction induced price effects.

"Utility-scale solar project" means an electric generating facility that:

(1) generates electricity using photovoltaic cells;

and

(2) has a nameplate capacity that is greater than 5,000 kilowatts.

"Utility-scale wind project" means an electric generating facility that:

(1) generates electricity using wind; and

(2) has a nameplate capacity that is greater than 5,000 kilowatts.

"Waste Heat to Power Systems" means systems that capture and generate electricity from energy that would otherwise be lost to the atmosphere without the use of additional fuel.

"Zero emission credit" means a tradable credit that represents the environmental attributes of one megawatt hour of energy produced from a zero emission facility.

"Zero emission facility" means a facility that: (1) is fueled by nuclear power; and (2) is interconnected with PJM Interconnection, LLC or the Midcontinent Independent System Operator, Inc., or their successors.

(Source: P.A. 102-662, eff. 9-15-21; revised 6-2-22.)

Section 130. The Illinois African-American Family Commission Act is amended by changing Section 5 as follows:

(20 ILCS 3903/5)

Sec. 5. Legislative findings. It is the policy of this State to promote family preservation and to preserve and

strengthen families.

(a) Over 12 million people live in Illinois. African-Americans represent 15% of the population and 26% of the residents living in Cook County. Despite some progress over the last few decades, African-Americans in Illinois continue to lag behind other racial groups relative to indicators of well-being in education, employment, income, and health. According to the 2000 U.S. Census, just 26% of the African-American population over 25 years of age in Illinois completed their high school education; 6% held an associate's degree; less than 10% (9%) held a bachelor's degree; less than 5% (3%) held a master's degree; and less than one percent held either a professional (.8%) or doctoral (.4%) degree.

These levels of education attainment reflect more fundamental problems with retaining African-Americans in school. The Illinois State Board of Education reported that for the 2001-2002 school year, 36,373, or 6%, of students enrolled in public high schools dropped out. Thirty-nine percent of these students were African-Americans; 38% were White; 21% were Hispanic; and 2% were classified as Other.

Although African-Americans make up 18% of the high school population, they are disproportionately represented in the number of students who are suspended and expelled. In the 2001-2002 school year, 29,068 students were suspended from school. Forty-seven percent were White, 37% were African-American, 14% were Hispanic, and 1% were classified as

Other. In regards to expulsions Statewide, the total number of high school students expelled was 1,651. Forty-three percent were African-American, 41% were White, 14% were Hispanic, and 2% were classified as Other. Within Chicago public schools, 448 students were expelled. Seventy-seven of these students were African-American; 27% were White; 14% were Hispanic; and 4% were classified as Other. The fact that African-Americans are more likely to be suspended or expelled from school also contributes to the high dropout rate among African-American high school students.

In addition to educational challenges, African-Americans face challenges in the areas of employment and income. In the year 2000, the unemployment rate for African-Americans age 16 years or older was 15% compared to only 6% for the total Illinois population. Moreover, the median household income of African-Americans in Illinois was $31,699 compared to $46,590 for the total Illinois population, and the percentage of African-American families below the poverty level in Illinois was 26% ~~percent~~ in 1999 compared to 10.7% for the total Illinois population in that same year.

Indicators of child welfare and criminal justice reveal still more challenges that African-American families face in Illinois. In 2000, African-American children represented 18% of children 18 years of age and under, but comprised 73% of children in substitute care. African-Americans are also overrepresented in the criminal justice population. Of the

total Illinois adult inmate population in the year 2000, 65% were African-American. During this same time period, African-American youth represented 58% of the juvenile inmate population in Illinois.

While the leading causes of death among African-Americans are the same as those for the general population in Illinois, African-Americans have a higher rate of death per 100,000 residents. The rate of overall deaths per 100,000 residents among African-Americans in the year 2000 was 1,181; 847 for Whites; and 411 for those classified as Other. The rate of cancer-related deaths per 100,000 residents by racial or ethnic groups in 2000 was: 278 African-Americans; 206 Whites; and 110 of those classified as Other. The rate of diabetes-related deaths per 100,000 residents among African-Americans in 2000 was 41 compared to 23 for Whites and 13 for those classified as Other. The rate of deaths per 100,000 residents by heart disease among African-Americans in 2000 was 352 compared to 257 for Whites and 120 for those classified as Other. The rate of deaths per 100,000 residents by stroke among African-Americans in 2000 was 75; 60 for Whites; and 35 for those classified as Other.

African-Americans had higher rates of smoking and obesity than other racial groups in Illinois in 2001. African-Americans accounted for more of the new adult/adolescent AIDS cases, cumulative adult/adolescent AIDS cases, and number of people living with AIDS than other racial

groups in Illinois in the year 2002. Still, 23% of uninsured persons in Illinois are African-American.

(b) The Illinois African-American Family Commission continues to be an essential key to promoting the preservation and strengthening of families. As of January 1, 2015 (the effective date of Public Act 98-693) ~~this amendatory Act of the 98th General Assembly~~, just under 13 million people live in Illinois. African-Americans represent 15% of the population and 25% of the residents living in Cook County. Despite some progress over the last few decades, African-Americans in Illinois continue to lag behind other racial groups relative to indicators of well-being in education, employment, income, and health. According to the 2010 federal decennial census: just 28% of the African-American population over 25 years of age in Illinois completed their high school education; 36% had some college or an associate's degree; less than 12% held a bachelor's degree; less than 8% held either a graduate or professional degree.

These levels of education attainment reflect more fundamental problems with retaining African-Americans in school. The State Board of Education reported that for the 2010-2011 school year, 18,210, or 2.77%, of students enrolled in public high schools dropped out. 39.3% of these students were African-Americans; 32.6% were White; 24.2% were Hispanic; and 2% were classified as Other.

Although African-Americans make up 20% of the high school

population, they are disproportionately represented in the number of students who are suspended and expelled. In the 2011-2012 school year, 29,928 students were suspended from school. 36% were White, 34% were African-American, 26% were Hispanic, and 4% were classified as Other. With regard to expulsions statewide, the total number of high school students expelled was 982. 37% were African-American, 41% were White, 21% were Hispanic, and 2% were classified as Other. Within Chicago public schools, 294 students were expelled. 80% of these students were African-American; none were White; 17% were Hispanic; and 3% were classified as Other. The fact that African-Americans are more likely to be suspended or expelled from school also contributes to the high dropout rate among African-American high school students.

In addition to educational challenges, African-Americans face challenges in the areas of employment and income. In the year 2010, the unemployment rate for African-Americans age 16 years or older was 16% compared to only 9% for the total Illinois population. Moreover, the median household income of African-Americans in Illinois was $34,874 compared to $60,433 for the total Illinois population, and the percentage of African-American families below the poverty level in Illinois was 32% ~~percent~~ in 2012 compared to 15% for the total Illinois population in that same year.

Indicators of child welfare and criminal justice reveal still more challenges that African-American families face in

Illinois. In 2010, African-American children represented 14% of children 18 years of age and under, but comprised 56% of children in substitute care. African-Americans are also overrepresented in the criminal justice population. Of the total Illinois adult inmate population in the year 2012, 57% were African-American. During this same time period, African-American youth represented 66% of the juvenile inmate population in Illinois.

While the leading causes of death among African-Americans are the same as those for the general population in Illinois, African-Americans have a higher rate of death per 100,000 residents. The rate of overall deaths per 100,000 residents among African-Americans in the year 2010 was 898; 741 for Whites; and 458 for those classified as Other. The rate of cancer-related deaths per 100,000 residents by racial or ethnic groups in 2010 was 216 for African-Americans; 179 for Whites; and 124 for those classified as Other. The rate of diabetes-related deaths per 100,000 residents among African-Americans in 2010 was 114 compared to 66 for Whites and 75 for those classified as Other. The rate of deaths per 100,000 residents by heart disease among African-Americans in 2010 was 232 compared to 179 for Whites and 121 for those classified as Other. The rate of deaths per 100,000 residents by stroke among African-Americans in 2010 was 108; 73 for Whites; and 56 for those classified as Other.

African-Americans had higher rates of smoking and obesity

than other racial groups in Illinois in 2013. African-Americans accounted for more of the new adult/adolescent AIDS cases, cumulative adult/adolescent AIDS cases, and number of people living with AIDS than other racial groups in Illinois in the year 2013. Still, 24% of uninsured persons in Illinois are African-American.

(c) These huge disparities in education, employment, income, child welfare, criminal justice, and health demonstrate the tremendous challenges facing the African-American family in Illinois. These challenges are severe. There is a need for government, child and family advocates, and other key stakeholders to create and implement public policies to address the health and social crises facing African-American families. The development of given solutions clearly transcends any one State agency and requires a coordinated effort. The Illinois African-American Family Commission shall assist State agencies with this task.

The African-American Family Commission was created in October 1994 by Executive Order to assist the Illinois Department of Children and Family Services in developing and implementing programs and public policies that affect the State's child welfare system. The Commission has a proven track record of bringing State agencies, community providers, and consumers together to address child welfare issues. The ability of the Commission to address the above-mentioned health issues, community factors, and the personal well-being

of African-American families and children has been limited due to the Executive Order's focus on child welfare. It is apparent that broader issues of health, mental health, criminal justice, education, and economic development also directly affect the health and well-being of African-American families and children. Accordingly, the role of the Illinois African-American Family Commission is hereby expanded to encompass working relationships with every department, agency, and commission within State government if any of its activities impact African-American children and families. The focus of the Commission is hereby restructured and shall exist by legislative mandate to engage State agencies in its efforts to preserve and strengthen African-American families.
(Source: P.A. 98-693, eff. 1-1-15; revised 9-14-22.)

Section 135. The Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act is amended by changing Sections 8.5 and 8.6 as follows:

(20 ILCS 4005/8.5)

(Section scheduled to be repealed on January 1, 2025)

Sec. 8.5. State Police Vehicle Hijacking and Motor Vehicle Theft Prevention Trust Fund. The State Police Vehicle Hijacking and Motor Vehicle Theft Prevention Trust Fund is created as a trust fund in the State treasury. The State Treasurer shall be the custodian of the Fund. The State Police

Vehicle Hijacking and Motor Vehicle Theft Prevention Trust Fund is established to receive funds from the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Council. All interest earned from the investment or deposit of moneys accumulated in the Fund shall be deposited into the Fund. Moneys in the Fund shall be used by the Illinois State Police for motor vehicle theft prevention purposes.

(Source: P.A. 102-538, eff. 8-20-21; 102-775, eff. 5-13-22; 102-904, eff. 1-1-23; revised 12-13-22.)

(20 ILCS 4005/8.6)

Sec. 8.6. State Police Training and Academy Fund; Law Enforcement Training Fund. Before April 1 of each year, each insurer engaged in writing private passenger motor vehicle insurance coverage that is included in Class 2 and Class 3 of Section 4 of the Illinois Insurance Code, as a condition of its authority to transact business in this State, may collect and shall pay to the Department of Insurance an amount equal to $4, or a lesser amount determined by the Illinois Law Enforcement Training Standards Board by rule, multiplied by the insurer's total earned car years of private passenger motor vehicle insurance policies providing physical damage insurance coverage written in this State during the preceding calendar year. Of the amounts collected under this Section, the Department of Insurance shall deposit 10% into the State

Police Training and Academy Fund and 90% into the Law Enforcement Training Fund.

(Source: P.A. 102-16, eff. 6-17-21; 102-775, eff. 5-13-22; 102-1071, eff. 6-10-22; revised 9-1-22.)

Section 140. The Task Force on Missing and Murdered Chicago Women Act is amended by changing Section 10 as follows:

(20 ILCS 4119/10)

Sec. 10. Task Force on Missing and Murdered Chicago Women.

(a) The Executive Director of the Illinois Criminal Justice Information Authority or the Executive Director's designee, in consultation with the Director of the Illinois State Police and the Chicago Police Superintendent, shall appoint the non-legislative members to the Task Force on Missing and Murdered Chicago Women to advise the Director and the Chicago Police Superintendent and to report to the General Assembly on recommendations to reduce and end violence against Chicago women and girls. The Task Force may also serve as a liaison between the Director, the Chicago Police Superintendent, and agencies and nongovernmental organizations that provide services to victims, victims' families, and victims' communities. Task Force members shall serve without compensation but may, subject to appropriation, receive reimbursement for their expenses as members of the Task Force.

(b) There is created the Task Force on Missing and Murdered Chicago Women, which shall consist of the following individuals, or their designees, who are knowledgeable in crime victims' rights or violence protection and, unless otherwise specified, members shall be appointed for 2-year terms as follows:

(1) Two members of the Senate, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate;~~.~~

(2) Two members of the House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives;~~.~~

(3) Two members from among the following appointed by the Executive Director of the Illinois Criminal Justice Information Authority or the Executive Director's designee:

(A) an association representing Illinois chiefs of police;

(B) an association representing Illinois sheriffs;

(C) an officer who is employed by the Illinois State Police; or

(D) an Illinois peace officer's association;~~.~~

(4) One or more representatives from among the following:

(A) an association representing State's Attorneys;

(B) an attorney representing the United States Attorney's Office in Chicago; or

(C) a circuit judge, associate judge, or attorney working in juvenile court;

(D) the Cook County Medical Examiner, or his or her designee, or a representative from a statewide coroner's or medical examiner's association or a representative of the Department of Public Health;

(5) Two representatives for victims, with a focus on individuals who work with victims of violence or their families appointed by the Executive Director of the Illinois Criminal Justice Information Authority or the Executive Director's designee; and

(6) Four or more members from among the following appointed by the Executive Director of the Illinois Criminal Justice Information Authority or the Executive Director's designee:

(A) a statewide or local organization that provides legal services to Chicago women and girls;

(B) a statewide or local organization that provides advocacy or counseling for Chicago women and girls who have been victims of violence;

(C) a statewide or local organization that provides healthcare services to Chicago women and girls;

(D) a statewide organization that represents women

and girls who have been sexually assaulted;

(E) a women's health organization or agency; or

(F) a Chicago woman who is a survivor of gender-related violence.

(c) Vacancies in positions appointed by the Executive Director of the Illinois Criminal Justice Information Authority or the Executive Director's designee shall be filled by the Executive Director of the Illinois Criminal Justice Information Authority or the Executive Director's designee consistent with the qualifications of the vacating member required by this Section.

(d) Task Force members shall annually elect a chair and vice-chair from among the Task Force's members, and may elect other officers as necessary. The Task Force shall meet at least quarterly, or upon the call of its chair, and may hold meetings throughout the City of Chicago. The Task Force shall meet frequently enough to accomplish the tasks identified in this Section. Meetings of the Task Force are subject to the Open Meetings Act. The Task Force shall seek out and enlist the cooperation and assistance of nongovernmental organizations, community, and advocacy organizations working with the Chicago community, and academic researchers and experts, specifically those specializing in violence against Chicago women and girls, representing diverse communities disproportionately affected by violence against women and girls, or focusing on issues related to gender-related violence and violence against

Chicago women and girls.

(e) The Executive Director of the Illinois Criminal Justice Information Authority or the Executive Director's designee shall convene the first meeting of the Task Force no later than 30 days after the appointment of a majority of the members of the Task Force. The Illinois Criminal Justice Information Authority shall provide meeting space and administrative assistance as necessary for the Task Force to conduct its work. The chair of the Task Force may call electronic meetings of the Task Force. A member of the Task Force participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(f) The Task Force must examine and report on the following:

(1) the systemic causes behind violence that Chicago women and girls experience, including patterns and underlying factors that explain why disproportionately high levels of violence occur against Chicago women and girls, including underlying historical, social, economic, institutional, and cultural factors that may contribute to the violence;

(2) appropriate methods for tracking and collecting data on violence against Chicago women and girls, including data on missing and murdered Chicago women and girls;

(3) policies and institutions such as policing, child

welfare, medical examiner practices, and other governmental practices that impact violence against Chicago women and girls and the investigation and prosecution of crimes of gender-related violence against Chicago residents;

(4) measures necessary to address and reduce violence against Chicago women and girls; and

(5) measures to help victims, victims' families, and victims' communities prevent and heal from violence that occurs against Chicago women and girls.

(g) The Task Force shall report on or before December 31 of 2024, and on or before December 31 of each year thereafter, to the General Assembly and the Governor on the work of the Task Force, including, but not limited to, the issues to be examined in subsection (g), and shall include in the annual report recommendations regarding institutional policies and practices or proposed institutional policies and practices that are effective in reducing gender-related violence and increasing the safety of Chicago women and girls. The report shall include recommendations to reduce and end violence against Chicago women and girls and help victims and communities heal from gender-related violence and violence against Chicago women and girls.

(Source: P.A. 102-1057, eff. 1-1-23; revised 12-16-22.)

Section 150. The Legislative Audit Commission Act is

amended by changing Section 3 as follows:

(25 ILCS 150/3) (from Ch. 63, par. 106)

Sec. 3. The Commission shall receive the reports of the Auditor General and other financial statements and shall determine what remedial measures, if any, are needed, and whether special studies and investigations are necessary. If the Commission shall deem such studies and investigations to be necessary, the Commission may direct the Auditor General to undertake such studies or investigations.

When a disagreement between the Audit Commission and an agency under the Governor's jurisdiction arises in the process of the Audit Commission's review of audit reports relating to such agency, the Audit Commission shall promptly advise the Governor of such areas of disagreement. The Governor shall respond to the Audit Commission within a reasonable period of time, and in no event later than 60 days, expressing his views concerning such areas of disagreement and indicating the corrective action taken by his office with reference thereto or, if no action is taken, indicating the reasons therefor.

The Audit Commission also promptly shall advise all other responsible officials of the Executive, Judicial, and Legislative branches of the State government of areas of disagreement arising in the process of the Commission's review of their respective audit reports. With reference to his particular office, each such responsible official shall

respond to the Audit Commission within a reasonable period of time, and in no event later than 60 days, expressing his view concerning such areas of disagreement and indicating the corrective action taken with reference thereto or stating the reasons that no action has been taken.

The Commission shall report its activities to the General Assembly including such remedial measures as it deems to be necessary. The report of the Commission shall be made to the General Assembly not less often than annually and not later than March 1 in each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

In addition, the Commission has the powers and duties provided for in the ~~"~~Illinois State Auditing Act~~", enacted by the 78th General Assembly~~, and, if the provisions of that Act ~~are~~ conflict with those of this Act, that Act prevails.
(Source: P.A. 100-1148, eff. 12-10-18; revised 9-12-22.)

Section 155. The State Finance Act is amended by setting forth and renumbering multiple versions of Sections 5.935, 5.970, 5.971, 5.972, 5.973, 5.974, 5.975, 5.976, and 6z-131, by changing Sections 6z-18, 6z-64, 6z-126, and 29a, and by

setting forth, renumbering, and changing multiple versions of Section 6z-130 as follows:

(30 ILCS 105/5.935)

Sec. 5.935. The Freedom Schools Fund.

(Source: P.A. 101-654, eff. 3-8-21; 102-813, eff. 5-13-22.)

(30 ILCS 105/5.965)

Sec. 5.965 ~~5.935~~. The 100 Club of Illinois Fund.

(Source: P.A. 102-1060, eff. 6-10-22; revised 7-27-22.)

(30 ILCS 105/5.966)

Sec. 5.966 ~~5.970~~. The Serve Illinois Commission Fund.

(Source: P.A. 102-699, eff. 4-19-22; revised 7-27-22.)

(30 ILCS 105/5.967)

Sec. 5.967 ~~5.970~~. The Illinois Production Workforce Development Fund.

(Source: P.A. 102-700, eff. 4-19-22; revised 7-27-22.)

(30 ILCS 105/5.968)

Sec. 5.968 ~~5.970~~. The Law Enforcement Recruitment and Retention Fund.

(Source: P.A. 102-755, eff. 5-10-22; revised 7-27-22.)

(30 ILCS 105/5.969)

Sec. 5.969 ~~5.970~~. The Organized Retail Crime Enforcement Fund.

(Source: P.A. 102-757, eff. 1-1-23; revised 1-10-23.)

(30 ILCS 105/5.970)

Sec. 5.970. The Future Farmers of America Fund.

(Source: P.A. 102-809, eff. 1-1-23.)

(30 ILCS 105/5.971)

Sec. 5.971. The Statewide 9-8-8 Trust Fund.

(Source: P.A. 102-699, eff. 4-19-22.)

(30 ILCS 105/5.972)

Sec. 5.972. The Board of Higher Education State Contracts and Grants Fund.

(Source: P.A. 102-699, eff. 4-19-22.)

(30 ILCS 105/5.973)

Sec. 5.973. The Agriculture Federal Projects Fund.

(Source: P.A. 102-699, eff. 4-19-22.)

(30 ILCS 105/5.974)

Sec. 5.974. The DNR Federal Projects Fund.

(Source: P.A. 102-699, eff. 4-19-22.)

(30 ILCS 105/5.975)

Sec. 5.975. The Illinois Opioid Remediation State Trust Fund.

(Source: P.A. 102-699, eff. 4-19-22.)

(30 ILCS 105/5.976)

Sec. 5.976. The General Assembly Technology Fund.

(Source: P.A. 102-699, eff. 4-19-22.)

(30 ILCS 105/5.977)

Sec. 5.977 ~~5.970~~. The First Responder Behavioral Health Grant Fund.

(Source: P.A. 102-911, eff. 1-1-23; revised 1-10-23.)

(30 ILCS 105/5.978)

Sec. 5.978 ~~5.970~~. The Off-Hours Child Care Program Fund.

(Source: P.A. 102-912, eff. 5-27-22; revised 7-27-22.)

(30 ILCS 105/5.979)

Sec. 5.979 ~~5.970~~. The Division of Real Estate General Fund.

(Source: P.A. 102-970, eff. 5-27-22; revised 7-27-22.)

(30 ILCS 105/5.980)

Sec. 5.980 ~~5.970~~. The Aeronautics Fund.

(Source: P.A. 102-1071, eff. 6-10-22; revised 7-27-22.)

(30 ILCS 105/5.981)

(Section scheduled to be repealed on January 1, 2024)

Sec. 5.981 ~~5.971~~. The Grocery Tax Replacement Fund. This Section is repealed January 1, 2024.

(Source: P.A. 102-700, eff. 4-19-22; revised 7-28-22.)

(30 ILCS 105/5.982)

Sec. 5.982 ~~5.971~~. The Emergency Planning and Training Fund.

(Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

(30 ILCS 105/5.983)

Sec. 5.983 ~~5.972~~. The ISAC Accounts Receivable Fund.

(Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

(30 ILCS 105/5.984)

Sec. 5.984 ~~5.973~~. The Motor Fuel and Petroleum Standards Fund.

(Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

(30 ILCS 105/5.985)

Sec. 5.985 ~~5.974~~. The State Small Business Credit Initiative Fund.

(Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

(30 ILCS 105/5.986)

Sec. 5.986 ~~5.975~~. The Public Pension Regulation Fund.

(Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

(30 ILCS 105/5.987)

Sec. 5.987 ~~5.976~~. The Vehicle Inspection Fund.

(Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

(30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

Sec. 6z-18. Local Government Tax Fund. A portion of the money paid into the Local Government Tax Fund from sales of tangible personal property taxed at the 1% rate under the Retailers' Occupation Tax Act and the Service Occupation Tax Act, which occurred in municipalities, shall be distributed to each municipality based upon the sales which occurred in that municipality. The remainder shall be distributed to each county based upon the sales which occurred in the unincorporated area of that county.

Moneys transferred from the Grocery Tax Replacement Fund to the Local Government Tax Fund under Section 6z-130 shall be treated under this Section in the same manner as if they had been remitted with the return on which they were reported.

A portion of the money paid into the Local Government Tax Fund from the 6.25% general use tax rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by any agency of this State's government shall be

distributed to municipalities as provided in this paragraph. Each municipality shall receive the amount attributable to sales for which Illinois addresses for titling or registration purposes are given as being in such municipality. The remainder of the money paid into the Local Government Tax Fund from such sales shall be distributed to counties. Each county shall receive the amount attributable to sales for which Illinois addresses for titling or registration purposes are given as being located in the unincorporated area of such county.

A portion of the money paid into the Local Government Tax Fund from the 6.25% general rate (and, beginning July 1, 2000 and through December 31, 2000, the 1.25% rate on motor fuel and gasohol, and beginning on August 6, 2010 through August 15, 2010, and beginning again on August 5, 2022 through August 14, 2022, the 1.25% rate on sales tax holiday items) on sales subject to taxation under the Retailers' Occupation Tax Act and the Service Occupation Tax Act, which occurred in municipalities, shall be distributed to each municipality, based upon the sales which occurred in that municipality. The remainder shall be distributed to each county, based upon the sales which occurred in the unincorporated area of such county.

For the purpose of determining allocation to the local government unit, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place

where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

Whenever the Department determines that a refund of money paid into the Local Government Tax Fund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the Local Government Tax Fund.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected during the second preceding calendar month for sales within a STAR bond district and deposited into the Local Government Tax Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering the Innovation

Development and Economy Act.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities and counties, the municipalities and counties to be those entitled to distribution of taxes or penalties paid to the Department during the second preceding calendar month. The amount to be paid to each municipality or county shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department and paid into the Local Government Tax Fund, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, and not including any amount which the Department determines is necessary to offset any amounts which are payable to a different taxing body but were erroneously paid to the municipality or county, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities and counties, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions

contained in such certification.

When certifying the amount of monthly disbursement to a municipality or county under this Section, the Department shall increase or decrease that amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the 6 months preceding the time a misallocation is discovered.

The provisions directing the distributions from the special fund in the State treasury ~~Treasury~~ provided for in this Section shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized to make distributions as provided in this Section.

In construing any development, redevelopment, annexation, preannexation, or other lawful agreement in effect prior to September 1, 1990, which describes or refers to receipts from a county or municipal retailers' occupation tax, use tax or service occupation tax which now cannot be imposed, such description or reference shall be deemed to include the replacement revenue for such abolished taxes, distributed from the Local Government Tax Fund.

As soon as possible after March 8, 2013 (the effective date of Public Act 98-3) ~~this amendatory Act of the 98th General Assembly~~, the State Comptroller shall order and the State Treasurer shall transfer $6,600,000 from the Local Government Tax Fund to the Illinois State Medical Disciplinary

Fund.

(Source: P.A. 102-700, Article 60, Section 60-10, eff. 4-19-22; 102-700, Article 65, Section 65-15, eff. 4-19-22; revised 6-2-22.)

(30 ILCS 105/6z-64)

Sec. 6z-64. The Workers' Compensation Revolving Fund.

(a) The Workers' Compensation Revolving Fund is created as a revolving fund, not subject to fiscal year limitations, in the State treasury. The following moneys shall be deposited into the Fund:

(1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;

(2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;

(3) interest earned on moneys in the Fund;

(4) receipts or inter-fund transfers resulting from billings issued to State agencies, officers, boards, commissions, and universities for the cost of workers' compensation services that are not compensated through the specific fund transfers authorized by this Section, if any;

(5) amounts received from a State agency, officer, board, commission, or university for workers' compensation payments for temporary total disability, as provided in Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois; and

(6) amounts recovered through subrogation in workers' compensation and workers' occupational disease cases.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) providing workers' compensation services to State agencies, officers, boards, commissions, and universities; or

(2) providing for payment of administrative and other expenses (and, beginning January 1, 2013, fees and charges made pursuant to a contract with a private vendor) incurred in providing workers' compensation services. The Department, or any successor agency designated to enter into contracts with one or more private vendors for the administration of the workers' compensation program for State employees pursuant to subdivision (10b) ~~subsection 10b~~ of Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois, is authorized to establish one or more special funds, as separate accounts provided by any bank or banks as defined by the Illinois Banking Act, any

savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985, or any credit union as defined by the Illinois Credit Union Act, to be held by the Director outside of the State treasury, for the purpose of receiving the transfer of moneys from the Workers' Compensation Revolving Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall be deposited into the Workers' Compensation Revolving Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to contracted private vendors or their financial institutions for payments to workers' compensation claimants and providers for workers' compensation services, claims, and benefits pursuant to this Section and subdivision (9) ~~subsection 9~~ of Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose, including, but not limited to, reimbursement or payment of administrative fees due the contracted vendor pursuant to its contract or contracts with the Department.

(c) State agencies, officers, boards, and commissions may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the

Workers' Compensation Revolving Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) (Blank.).

(d-5) (Blank.).

(d-10) (Blank.).

(d-12) (Blank.).

(d-15) (Blank.).

(d-20) (Blank.).

(d-25) (Blank.).

(d-30) (Blank.).

(d-35) (Blank.).

(d-40) (Blank.).

(d-45) (Blank.).

(d-50) (Blank.).

(d-55) (Blank.).

(e) The term "workers' compensation services" means services, claims expenses, and related administrative costs incurred in performing the duties under Sections 405-105 and 405-411 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

(Source: P.A. 102-767, eff. 5-13-22; revised 9-13-22.)

(30 ILCS 105/6z-126)

Sec. 6z-126. Law Enforcement Training Fund. The Law Enforcement Training Fund is hereby created as a special fund in the State treasury. Moneys in the Fund shall consist of: (i)

90% of the revenue from increasing the insurance producer license fees, as provided under subsection (a-5) of Section 500-135 of the Illinois Insurance Code; and (ii) 90% of the moneys collected from auto insurance policy fees under Section 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act. This Fund shall be used by the Illinois Law Enforcement Training Standards Board to fund law enforcement certification compliance and the development and provision of basic courses by Board-approved academics, and in-service courses by approved academies.
(Source: P.A. 102-16, eff. 6-17-21; 102-904, eff. 1-1-23; 102-1071, eff. 6-10-22; revised 12-13-22.)

(30 ILCS 105/6z-130)

(Section scheduled to be repealed on January 1, 2024)

Sec. 6z-130. Grocery Tax Replacement Fund.

(a) The Grocery Tax Replacement Fund is hereby created as a special fund in the State Treasury.

(b) On April 19, 2022 (the effective date of Public Act 102-700) ~~this amendatory Act of the 102nd General Assembly~~, or as soon thereafter as practical, but no later than June 30, 2022, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $325,000,000 from the General Revenue Fund to the Grocery Tax Replacement Fund.

(c) On July 1, 2022, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer

shall transfer the sum of $75,000,000 from the General Revenue Fund to the Grocery Tax Replacement Fund.

(d) In addition to any other transfers that may be provided for by law, beginning on April 19, 2022 (the effective date of Public Act 102-700) ~~this amendatory Act of the 102nd General Assembly~~ and until November 30, 2023, the Director may certify additional transfer amounts needed beyond the amounts specified in subsections (b) and (c) to cover any additional amounts needed to equal the net revenue that, but for the reduction of the rate to 0% in the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~, would have been realized if the items that are subject to the rate reduction had been taxed at the 1% rate during the period of the reduction. The State Comptroller shall direct and the State Treasurer shall transfer the amounts certified by the Director from the General Revenue Fund to the Grocery Tax Replacement Fund.

(e) In addition to any other transfers that may be provided for by law, beginning on July 1, 2022 and until December 1, 2023, at the direction of the Department of Revenue, the State Comptroller shall direct and the State Treasurer shall transfer from the Grocery Tax Replacement Fund to the State and Local Sales Tax Reform Fund any amounts needed to equal the net revenue that, but for the reduction of the

rate to 0% in the Use Tax Act and Service Use Tax Act under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~, would have been deposited into the State and Local Sales Tax Reform Fund if the items that are subject to the rate reduction had been taxed at the 1% rate during the period of the reduction.

(f) In addition to any other transfers that may be provided for by law, beginning on July 1, 2022 and until December 1, 2023, at the direction of the Department of Revenue, the State Comptroller shall direct and the State Treasurer shall transfer from the Grocery Tax Replacement Fund to the Local Government Tax Fund any amounts needed to equal the net revenue that, but for the reduction of the rate to 0% in the Service Occupation Tax Act and the Retailers' Occupation Tax Act under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~, would have been deposited into the Local Government Tax Fund if the items that are subject to the rate reduction had been taxed at the 1% rate during the period of the reduction.

(g) The State Comptroller shall direct and the State Treasurer shall transfer the remaining balance in the Grocery Tax Replacement Fund to the General Revenue Fund on December 1, 2023, or as soon thereafter as practical. Upon completion of the transfer, the Grocery Tax Replacement Fund is dissolved.

(h) This Section is repealed on January 1, 2024.

(Source: P.A. 102-700, eff. 4-19-22; revised 8-1-22.)

(30 ILCS 105/6z-131)

Sec. 6z-131. Agriculture Federal Projects Fund. The Agriculture Federal Projects Fund is established as a federal trust fund in the State treasury. This Fund is established to receive funds from all federal departments and agencies, including grants and awards. In addition, the Fund may also receive interagency receipts from other State agencies and funds from other public and private sources. Moneys in the Agriculture Federal Projects Fund shall be held by the State Treasurer as ex officio custodian and shall be used for the specific purposes established by the terms and conditions of the federal grant or award and for other authorized expenses in accordance with federal requirements. Other moneys deposited into the Fund may be used for purposes associated with the federally financed projects.

(Source: P.A. 102-699, eff. 4-19-22.)

(30 ILCS 105/6z-135)

Sec. 6z-135 ~~6z-130~~. The Law Enforcement Recruitment and Retention Fund.

(a) The Law Enforcement Recruitment and Retention Fund is hereby created as a special fund in the State Treasury.

(b) Subject to appropriation, moneys in the Law Enforcement Recruitment and Retention Fund shall be used by

the Illinois Law Enforcement Training Standards Board to award grants to units of local government, public institutions of higher education, and qualified nonprofit entities for the purpose of hiring and retaining law enforcement officers.

(c) When awarding grants, the Board shall prioritize:

(1) grants that will be used to hire, retain, or hire and retain law enforcement officers in underserved areas and areas experiencing the most need;

(2) achieving demographic and geographic diversity of law enforcement officers that are recruited or hired by applicants that are awarded grants;

(3) maximizing the effects of moneys spent on the actual recruitment and retention of law enforcement officers; and

(4) providing grants that can impact multiple employers.

(d) Moneys received for the purposes of this Section, including, but not limited to, fee receipts, gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

(e) The Illinois Law Enforcement Training Standards Board may, by rule, set requirements for the distribution of grant moneys and determine which entities are eligible.

(f) The Illinois Law Enforcement Training Standards Board shall consider compliance with the Uniform Crime Reporting Act

as a factor in awarding grant moneys.

(g) As used in this Section, "qualified nonprofit entity" means a nonprofit entity, as defined by the Board by rule, that has established experience in recruitment and retention of law enforcement officers in Illinois.

(Source: P.A. 102-755, eff. 5-10-22; revised 8-1-22.)

(30 ILCS 105/6z-136)

Sec. 6z-136 ~~6z-130~~. Industrial Biotechnology Human Capital Fund.

(a) The Industrial Biotechnology Human Capital Fund is created as a special fund in the State treasury and may receive funds from any source, public or private, including moneys appropriated for use by the Department of Commerce and Economic Opportunity and laboratories and institutions conducting industrial biotechnology research. Subject to appropriation, the Industrial Biotechnology Human Capital Fund shall receive moneys from the General Revenue Fund until June 30, 2025. Each eligible entity receiving a grant under this Section shall, as a condition of receiving the grant, contribute moneys to the Fund as part of a cost-sharing agreement between the grantee and the Department of Commerce and Economic Opportunity in accordance with rules adopted by the Department of Commerce and Economic Opportunity. Grants issued under this ~~the~~ Section may be for a period of 2 years. An eligible entity issued a grant under this Section ~~Sections~~

shall be eligible for more than one such grant, but no more than one grant annually, for the purpose of hiring and retaining experts in residence ~~Experts in Residence~~; however, such entity may maintain more than one grant at any given time.

(b) Subject to appropriation, moneys in the Fund shall be used for providing grants to laboratories and research institutions for the purpose of hiring and retaining in-house specialists, to be known as experts in residence, with the knowledge and experience in moving industrial biotechnology products through the development phase.

(c) To be eligible for grants provided from the Fund, an entity must be a State-sponsored, university-affiliated laboratory or research institution conducting collaboratives or for-hire research in the development of biorenewable chemicals, bio-based polymers, materials, novel feeds, or additional value added biorenewables. Eligible entities must also establish that the expert in residence ~~Expert In Residence~~ they seek to hire or retain using the grant funds possesses expertise in fermentation engineering, process engineering, catalytic engineering, analytical chemistry, or is a scale-up specialist.

(d) On or before January 31 of the next calendar year to occur after the last day of any State fiscal year in which the Department of Commerce and Economic Opportunity receives State funding for the Program under this Section, the Department of Commerce and Economic Opportunity shall submit an annual

report to the General Assembly and the Governor on the use of moneys in the Fund. The report shall include, but not be limited to: (i) the number of laboratories or institutions utilizing moneys in the Fund, including the name of such entities; (ii) the number of experts in residence hired by each laboratory or institution; (iii) the expertise or specialty area of each expert in residence hired or retained; and (iv) a summary of the benefit to the economy of the State of Illinois economy in providing the grants.

(e) The Department of Commerce and Economic Opportunity shall adopt all rules necessary for the implementation of this Section.

(Source: P.A. 102-991, eff. 1-1-23; revised 8-1-22.)

(30 ILCS 105/6z-137)

Sec. 6z-137 ~~6z-131~~. Industrial Biotechnology Capital Maintenance Fund.

(a) The Industrial Biotechnology Capital Maintenance Fund is created as a special fund in the State treasury and may receive funds from any source, public or private, including from moneys appropriated for use by the Department of Commerce and Economic Opportunity and laboratories and institutions conducting industrial biotechnology research.

(b) Subject to appropriation, moneys in the Fund shall be used for providing grants to laboratories and research institutions for the purpose of maintenance and repair of

capital assets. Such maintenance and repairs of capital assets shall be designed to extend the serviceable life of equipment and buildings and expand the capacity of equipment and buildings by at least 10%. For the purposes of this Section, "capital assets" means equipment or buildings that have a value greater than $250,000.

(c) To be eligible for grants provided from the Fund, an entity must be a State-sponsored, university-affiliated laboratory or research institution conducting collaboratives or for-hire research in the development of biorenewable chemicals, bio-based polymers, materials, novel feeds, or additional value added biorenewables. The Department of Commerce and Economic Opportunity shall determine the disbursement of moneys for the purposes of this Section. Each eligible entity, as a condition of receiving a grant under this Section, shall match up to at least 50% of the moneys to be granted to the entity.

(d) On or before January 31 of the next calendar year to occur after the last day of any State fiscal year in which the Department of Commerce and Economic Opportunity receives State funding for the Program under this Section, the Department of Commerce and Economic Opportunity shall submit an annual report to the General Assembly and the Governor on the use of moneys in the Fund. The report shall include, but not be limited to: (i) the name of the institution or laboratory receiving funds; (ii) the capital assets that were maintained

or repaired at each institution or laboratory; (iii) the expected usable life extension of each maintained or repaired asset; and (iv) the capacity increase of each maintained or repaired asset.

(e) The Department of Commerce and Economic Opportunity shall adopt all rules necessary for the implementation of this Section.

(Source: P.A. 102-991, eff. 1-1-23; revised 8-1-22.)

(30 ILCS 105/29a) (from Ch. 127, par. 165a)

Sec. 29a. The Department of Transportation is authorized to contract with any bank or banks in the State for the payment by such banks for the labor and services of day laborers engaged in State road construction and maintenance work and for emergency purchases in such work. Any such emergency purchase shall not be for an amount in excess of $25.00. Such bank or banks shall be reimbursed out of appropriations made to the Department in accordance with the provisions of this Act, and shall be paid such reasonable compensation for its services as may be agreed on by the Department and the bank.

Such payments by any bank shall be made only upon the authorization of some employee ~~employe~~ or agent of the Department duly designated by it for this purpose. Such employee ~~employe~~ or agent shall be required to furnish to the Department a bond, to be paid for by the Department, in an amount equal to twice the total of such payments at any one

time.

(Source: P.A. 81-840; revised 9-9-22.)

Section 160. The Illinois Procurement Code is amended by changing Sections 35-40 and 45-23 as follows:

(30 ILCS 500/35-40)

Sec. 35-40. Subcontractors.

(a) Any contract granted under this Article shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all subcontractors with an annual value that exceeds the small purchase maximum established by Section 20-20 of this Code, the general type of work to be performed by these subcontractors, and the expected amount of money each will receive under the contract. Upon the request of the chief procurement officer appointed pursuant to paragraph (2) of subsection (a) of Section 10-20, the contractor shall provide the chief procurement officer a copy of a subcontract so identified within 15 calendar days after the request is made. A subcontractor, or contractor on behalf of a subcontractor, may identify information that is deemed proprietary or confidential. If the chief procurement officer determines the information is not relevant to the primary contract, the chief procurement officer may excuse the inclusion of the information. If the chief procurement officer determines the

information is proprietary or could harm the business interest of the subcontractor, the chief procurement officer may, in his or her discretion, redact the information. Redacted information shall not become part of the public record.

(b) If at any time during the term of a contract, a contractor adds or changes any subcontractors, he or she shall promptly notify, in writing, the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, and the responsible State purchasing officer, or their designee of the names and addresses and the expected amount of money each new or replaced subcontractor will receive. Upon request of the chief procurement officer appointed pursuant to paragraph (2) of subsection (a) of Section 10-20, the contractor shall provide the chief procurement officer a copy of any new or amended subcontract so identified within 15 calendar days after the request is made.

(c) In addition to any other requirements of this Code, a subcontract subject to this Section must include all of the subcontractor's certifications required by Article 50 of this Code.

(d) For purposes of this Section, the changes made by Public Act 98-1076 ~~this amendatory Act of the 98th General Assembly~~ apply to procurements solicited on or after January 1, 2015 (the effective date of Public Act 98-1076) ~~this amendatory Act of the 98th General Assembly~~.

(Source: P.A. 102-721, eff. 1-1-23; revised 12-9-22.)

(30 ILCS 500/45-23)

Sec. 45-23. Single-use plastics prohibition; preference.

(a) For the purposes of this Section:

"Compostable" means that the item meets the ASTM D6400 standard of compostability and has been certified by the Biodegradable Products Institute as compostable.

"Compostable foodware" means containers, bowls, straws, plates, trays, cartons, cups, lids, forks, spoons, knives, and other items that are designed for one-time use for beverages, prepared food, or leftovers from meals that are compostable.

"Plastic" means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during their life cycle and after disposal.

"Recyclable foodware" means items that are designed for one-time use for beverages, prepared food, or leftovers from meals and that are commonly accepted in local curbside residential recycling pickup ~~pick up~~.

"Single-use plastic disposable foodware" means containers, bowls, straws, plates, trays, cartons, cups, lids, forks, spoons, knives, and other items that are designed for one-time use for beverages, prepared food, or leftovers from meals and that are made of plastic, are not compostable, and are not

accepted in residential curbside recycling pickup ~~pick up~~.

(b) When a State agency or institution of higher education is to award a contract to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of compostable foodware or recyclable foodware may be given preference over other bidders unable to do so; provided that the bid is not more than 5% greater than the cost of products that are single-use plastic disposable foodware. The contract awarded the cost preference in this subsection (b) shall also include the option of providing the State agency or institution of higher education with single-use plastic straws.

(c) After January 1, 2023, State agencies and departments may not procure single-use plastic disposable foodware for use at any State parks or natural areas, and instead shall offer only compostable foodware or recyclable foodware for use at State parks or natural areas.

(d) After January 1, 2024, or at the renewal of its next contract, whichever occurs later, no vendor contracted through a State agency or department may provide customers with single-use plastic disposable foodware at any site located at a State park or a natural area, and instead shall offer only compostable foodware or recyclable foodware for use at State parks or natural areas.

(e) This Section does not apply to the procurement of supplies for the Illinois State Fair.

(Source: P.A. 102-1081, eff. 1-1-23; revised 12-16-22.)

Section 165. The Community Behavioral Health Center Infrastructure Act is amended by changing Section 5 as follows:

(30 ILCS 732/5)

Sec. 5. Definitions. In this Act:

"Behavioral health center site" means a physical site where a community behavioral health center shall provide behavioral healthcare services linked to a particular Department-contracted community behavioral healthcare provider, from which this provider delivers a Department-funded service and has the following characteristics:

(i) The site must be owned, leased, or otherwise controlled by a Department-funded provider.

(ii) A Department-funded provider may have multiple service sites.

(iii) A Department-funded provider may provide both Medicaid and non-Medicaid services for which they are certified or approved at a certified site.

"Board" means the Capital Development Board.

"Community behavioral healthcare provider" includes, but is not limited to, Department-contracted prevention, intervention, or treatment care providers of services and

supports for persons with mental health services, alcohol and substance abuse services, rehabilitation services, and early intervention services provided by a vendor.

For the purposes of this definition, "vendor" includes, but is not limited to, community providers, including community-based organizations that are licensed to provide prevention, intervention, or treatment services and support for persons with mental illness or substance abuse problems in this State, that comply with applicable federal, State, and local rules and statutes, including, but not limited to, the following:

(A) Federal requirements:

(1) Block Grants for Community Mental Health Services, Subpart I & III, Part B, Title XIX, P.H.S. Act/45 CFR ~~C.F.R.~~ Part 96.

(2) Medicaid (42 U.S.C. ~~U.S.C.A.~~ 1396 (1996)).

(3) 42 CFR ~~C.F.R.~~ 440 (Services: General Provision) and 456 (Utilization Control) (1996).

(4) Health Insurance Portability and Accountability Act (HIPAA) as specified in 45 CFR ~~C.F.R. Section~~ 160.310.

(5) The Substance Abuse Prevention Block Grant Regulations (45 CFR ~~C.F.R.~~ Part 96).

(6) Program Fraud Civil Remedies Act of 1986 (45 CFR ~~C.F.R.~~ Part 79).

(7) Federal regulations regarding Opioid

Maintenance Therapy (21 CFR ~~C.F.R.~~ 29) (21 CFR ~~C.F.R.~~ 1301-1307 (D.E.A.)).

(8) Federal regulations regarding Diagnostic, Screening, Prevention, and Rehabilitation Services (Medicaid) (42 CFR ~~C.F.R.~~ 440.130).

(9) Charitable Choice: Providers that qualify as religious organizations under 42 CFR ~~C.F.R.~~ 54.2(b), who comply with the Charitable Choice Regulations as set forth in 42 CFR ~~C.F.R.~~ 54.1 et seq. with regard to funds provided directly to pay for substance abuse prevention and treatment services.

(B) State requirements:

(1) 59 Ill. Adm. ~~Admin.~~ Code 50, Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies.

(2) (Blank). ~~59 Ill. Admin. Code 51, Office of Inspector General Adults with Disabilities Project.~~

(3) 59 Ill. Adm. ~~Admin.~~ Code 103, Grants.

(4) 59 Ill. Adm. ~~Admin.~~ Code 115, Standards and Licensure Requirements for Community-Integrated Living Arrangements.

(5) 59 Ill. Adm. ~~Admin.~~ Code 117, Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities.

(6) 59 Ill. Adm. ~~Admin.~~ Code 125, Recipient

Discharge/Linkage/Aftercare.

(7) 59 Ill. Adm. ~~Admin.~~ Code 131, Children's Mental Health Screening, Assessment and Supportive Services Program.

(8) 59 Ill. Adm. ~~Admin.~~ Code 132, Medicaid Community Mental Health Services Program.

(9) (Blank). ~~59 Ill. Admin. Code 135, Individual Care Grants for Mentally Ill Children.~~

(10) 89 Ill. Adm. ~~Admin.~~ Code 140, Medical Payment.

(11) 89 Ill. Adm. ~~Admin.~~ Code 140.642, Screening Assessment for Nursing Facility and Alternative Residential Settings and Services.

(12) 89 Ill. Adm. ~~Admin.~~ Code 507, Audit Requirements of Illinois Department of Human Services.

(13) 89 Ill. Adm. ~~Admin.~~ Code 509, Fiscal/Administrative Recordkeeping and Requirements.

(14) 89 Ill. Adm. ~~Admin.~~ Code 511, Grants and Grant Funds Recovery.

(15) 77 Ill. Adm. ~~Admin.~~ Code~~,~~ Parts 2030, 2060, and 2090.

(16) Title 77 Illinois Administrative Code:

(a) Part 630: Maternal and Child Health Services Code.

(b) Part 635: Family Planning Services Code.

(c) Part 672: WIC Vendor Management Code.

(d) Part 2030: Award and Monitoring of Funds.

(e) Part 2200: School Based/Linked Health Centers.

(17) Title 89 Illinois Administrative Code:

(a) Section ~~Part~~ 130.200: ~~Administration of Social Service Programs,~~ Domestic Violence Shelter and Service Programs.

(b) Part 310: Delivery of Youth Services Funded by the Department of Human Services.

(c) Part 313: Community Services.

(d) Part 334: Administration and Funding of Community-Based Services to Youth.

(e) Part 500: Early Intervention Program.

(f) Part 501: Partner Abuse Intervention.

~~(g) Part 507: Audit Requirements of DHS.~~

~~(h) Part 509: Fiscal/Administrative Recordkeeping and Requirements.~~

~~(i) Part 511: Grants and Grant Funds Recovery.~~

(18) State statutes:

(a) The Mental Health and Developmental Disabilities Code.

(b) The Community Services Act.

(c) The Mental Health and Developmental Disabilities Confidentiality Act.

(d) The Substance Use Disorder Act.

(e) The Early Intervention Services System

Act.

(f) The Children and Family Services Act.

(g) The Illinois Commission on Volunteerism and Community Services Act.

(h) The Department of Human Services Act.

(i) The Domestic Violence Shelters Act.

(j) The Illinois Youthbuild Act.

(k) The Civil Administrative Code of Illinois.

(l) The Illinois Grant Funds Recovery Act.

(m) The Child Care Act of 1969.

(n) The Solicitation for Charity Act.

(o) Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the ~~The~~ Illinois Public Aid Code ~~(305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13)~~.

(p) The Abused and Neglected Child Reporting Act.

(q) The Charitable Trust Act.

~~(r) The Illinois Alcoholism and Other Drug Dependency Act.~~

(C) The Provider shall be in compliance with all applicable requirements for services and service reporting as specified in the following Department manuals or handbooks:

(1) DHS/DMH Provider Manual.

(2) DHS Mental Health CSA Program Manual.

(3) DHS/DMH PAS/MH Manual.

(4) Community Forensic Services Handbook.

(5) Community Mental Health Service Definitions and Reimbursement Guide.

(6) DHS/DMH Collaborative Provider Manual.

(7) Handbook for Providers of Screening Assessment and Support Services, Chapter CMH-200 Policy and Procedures For Screening, Assessment and Support Services.

(8) DHS Division of Substance Use Prevention and Recovery:

(a) Contractual Policy Manual.

(b) Medicaid Handbook.

(c) DARTS Manual.

(9) Division of Substance Use Prevention and Recovery Best Practice Program Guidelines for Specific Populations.

(10) Division of Substance Use Prevention and Recovery Contract Program Manual.

"Community behavioral healthcare services" means any of the following:

(i) Behavioral health services, including, but not limited to, prevention, intervention, or treatment care services and support for eligible persons provided by a vendor of the Department.

(ii) Referrals to providers of medical services and other health-related services, including substance abuse

and mental health services.

(iii) Patient case management services, including counseling, referral, and follow-up services, and other services designed to assist community behavioral health center patients in establishing eligibility for and gaining access to federal, State, and local programs that provide or financially support the provision of medical, social, educational, or other related services.

(iv) Services that enable individuals to use the services of the behavioral health center including outreach and transportation services and, if a substantial number of the individuals in the population are of limited English-speaking ability, the services of appropriate personnel fluent in the language spoken by a predominant number of those individuals.

(v) Education of patients and the general population served by the community behavioral health center regarding the availability and proper use of behavioral health services.

(vi) Additional behavioral healthcare services consisting of services that are appropriate to meet the health needs of the population served by the behavioral health center involved and that may include housing assistance.

"Department" means the Department of Human Services.

"Uninsured population" means persons who do not own

private healthcare insurance, are not part of a group insurance plan, and are not eligible for any State or federal government-sponsored healthcare program.

(Source: P.A. 100-759, eff. 1-1-19; revised 2-28-22.)

Section 170. The Downstate Public Transportation Act is amended by changing Section 2-7 as follows:

(30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

Sec. 2-7. Quarterly reports; annual audit.

(a) Any Metro-East Transit District participant shall, no later than 60 days following the end of each quarter of any fiscal year, file with the Department on forms provided by the Department for that purpose, a report of the actual operating deficit experienced during that quarter. The Department shall, upon receipt of the quarterly report, determine whether the operating deficits were incurred in conformity with the program of proposed expenditures and services approved by the Department pursuant to Section 2-11. Any Metro-East District may either monthly or quarterly for any fiscal year file a request for the participant's eligible share, as allocated in accordance with Section 2-6, of the amounts transferred into the Metro-East Public Transportation Fund.

(b) Each participant other than any Metro-East Transit District participant shall, 30 days before the end of each quarter, file with the Department on forms provided by the

Department for such purposes a report of the projected eligible operating expenses to be incurred in the next quarter and 30 days before the third and fourth quarters of any fiscal year a statement of actual eligible operating expenses incurred in the preceding quarters. Except as otherwise provided in subsection (b-5), within 45 days of receipt by the Department of such quarterly report, the Comptroller shall order paid and the Treasurer shall pay from the Downstate Public Transportation Fund to each participant an amount equal to one-third of such participant's eligible operating expenses; provided, however, that in Fiscal Year 1997, the amount paid to each participant from the Downstate Public Transportation Fund shall be an amount equal to 47% of such participant's eligible operating expenses and shall be increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999, 53% in Fiscal Year 2000, 55% in Fiscal Years 2001 through 2007, and 65% in Fiscal Year 2008 and thereafter; however, in any year that a participant receives funding under subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), that participant shall be eligible only for assistance equal to the following percentage of its eligible operating expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and thereafter. Any such payment for the third and fourth quarters of any fiscal year shall be adjusted to reflect actual eligible operating

expenses for preceding quarters of such fiscal year. However, no participant shall receive an amount less than that which was received in the immediate prior year, provided in the event of a shortfall in the fund those participants receiving less than their full allocation pursuant to Section 2-6 of this Article shall be the first participants to receive an amount not less than that received in the immediate prior year.

(b-5) (Blank~~.~~)_._

(b-10) On July 1, 2008, each participant shall receive an appropriation in an amount equal to 65% of its fiscal year 2008 eligible operating expenses adjusted by the annual 10% increase required by Section 2-2.04 of this Act. In no case shall any participant receive an appropriation that is less than its fiscal year 2008 appropriation. Every fiscal year thereafter, each participant's appropriation shall increase by 10% over the appropriation established for the preceding fiscal year as required by Section 2-2.04 of this Act.

(b-15) Beginning on July 1, 2007, and for each fiscal year thereafter, each participant shall maintain a minimum local share contribution (from farebox and all other local revenues) equal to the actual amount provided in Fiscal Year 2006 or, for new recipients, an amount equivalent to the local share provided in the first year of participation. The local share contribution shall be reduced by an amount equal to the total amount of lost revenue for services provided under Section

2-15.2 and Section 2-15.3 of this Act.

(b-20) Any participant in the Downstate Public Transportation Fund may use State operating assistance funding pursuant to this Section to provide transportation services within any county that is contiguous to its territorial boundaries as defined by the Department and subject to Departmental approval. Any such contiguous-area service provided by a participant after July 1, 2007 must meet the requirements of subsection (a) of Section 2-5.1.

(c) No later than 180 days following the last day of the participant's Fiscal Year each participant shall provide the Department with an audit prepared by a Certified Public Accountant covering that Fiscal Year. For those participants other than a Metro-East Transit District, any discrepancy between the funds paid and the percentage of the eligible operating expenses provided for by paragraph (b) of this Section shall be reconciled by appropriate payment or credit. In the case of any Metro-East Transit District, any amount of payments from the Metro-East Public Transportation Fund which exceed the eligible deficit of the participant shall be reconciled by appropriate payment or credit.

(d) Upon the Department's final reconciliation determination that identifies a discrepancy between the Downstate Operating Assistance Program funds paid and the percentage of the eligible operating expenses which results in a reimbursement payment due to the Department, the participant

shall remit the reimbursement payment to the Department no later than 90 days after written notification.

(e) Funds received by the Department from participants for reimbursement as a result of an overpayment ~~over payment~~ from a prior State fiscal year shall be deposited into the Downstate Public Transportation Fund in the fiscal year in which they are received and all unspent funds shall roll to following fiscal years.

(f) Upon the Department's final reconciliation determination that identifies a discrepancy between the Downstate Operating Assistance Program funds paid and the percentage of the eligible operating expenses which results in a reimbursement payment due to the participant, the Department shall remit the reimbursement payment to the participant no later than 90 days after written notifications.

(Source: P.A. 102-626, eff. 8-27-21; 102-790, eff. 1-1-23; revised 12-9-22.)

Section 175. The State Mandates Act is amended by changing Sections 8.45 as follows:

(30 ILCS 805/8.45)

(Text of Section before amendment by P.A. 102-466)

Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act

102-16, 102-63, 102-81, 102-91, 102-97, 102-113, 102-125, 102-202, 102-210, 102-263, 102-265, 102-293, 102-342, 102-540, 102-552, ~~or~~ 102-636, or 102-822.

(Source: P.A. 102-16, eff. 6-17-21; 102-63, eff. 7-9-21; 102-81, eff. 7-9-21; 102-91, eff. 7-9-21; 102-97, eff. 1-1-22; 102-113, eff. 7-23-21; 102-125, eff. 7-23-21; 102-202, eff. 7-30-21; 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-265, eff. 8-6-21; 102-293, eff. 8-6-21; 102-342, eff. 8-13-21; 102-540, eff. 8-20-21; 102-552, eff. 1-1-22; 102-636, eff. 8-27-21; 102-813, eff. 5-13-22; 102-822, eff. 5-13-22; revised 7-26-22.)

(Text of Section after amendment by P.A. 102-466)

Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 102-16, 102-63, 102-81, 102-91, 102-97, 102-113, 102-125, 102-202, 102-210, 102-263, 102-265, 102-293, 102-342, 102-466, 102-540, 102-552, ~~or~~ 102-636, or 102-822.

(Source: P.A. 102-16, eff. 6-17-21; 102-63, eff. 7-9-21; 102-81, eff. 7-9-21; 102-91, eff. 7-9-21; 102-97, eff. 1-1-22; 102-113, eff. 7-23-21; 102-125, eff. 7-23-21; 102-202, eff. 7-30-21; 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-265, eff. 8-6-21; 102-293, eff. 8-6-21; 102-342, eff. 8-13-21; 102-466, eff. 7-1-25; 102-540, eff. 8-20-21; 102-552, eff. 1-1-22; 102-636, eff. 8-27-21; 102-813, eff. 5-13-22; 102-822,

eff. 5-13-22; revised 7-26-22.)

Section 180. The Illinois Income Tax Act is amended by changing Sections 212.1, 901, and 917 and by setting forth and renumbering multiple versions of Section 232 as follows:

(35 ILCS 5/212.1)

(Section scheduled to be repealed on April 19, 2023)

Sec. 212.1. Individual income tax rebates.

(a) Each taxpayer who files an individual income tax return under this Act, on or before October 17, 2022, for the taxable year that began on January 1, 2021 and whose adjusted gross income for the taxable year is less than (i) $400,000, in the case of spouses filing a joint federal tax return, or (ii) $200,000, in the case of all other taxpayers, is entitled to a one-time rebate under this Section. The amount of the rebate shall be $50 for single filers and $100 for spouses filing a joint return, plus an additional $100 for each person who is claimed as a dependent, up to 3 dependents, on the taxpayer's federal income tax return for the taxable year that began on January 1, 2021. A taxpayer who files an individual income tax return under this Act for the taxable year that began on January 1, 2021, and who is claimed as a dependent on another individual's return for that year, is ineligible for the rebate provided under this Section. Spouses who qualify for a rebate under this Section and who file a joint return shall be

treated as a single taxpayer for the purposes of the rebate under this Section. For a part-year resident, the amount of the rebate under this Section shall be in proportion to the amount of the taxpayer's income that is attributable to this State for the taxable year that began on January 1, 2021. Taxpayers who were non-residents for the taxable year that began on January 1, 2021 are not entitled to a rebate under this Section.

(b) Beginning on July 5, 2022, the Department shall certify to the Comptroller the names of the taxpayers who are eligible for a one-time rebate under this Section, the amounts of those rebates, and any other information that the Comptroller requires to direct the payment of the rebates provided under this Section to taxpayers.

(c) If a taxpayer files an amended return indicating that the taxpayer is entitled to a rebate under this Section that the taxpayer did not receive, or indicating that the taxpayer did not receive the full rebate amount to which the taxpayer is entitled, then the rebate shall be processed in the same manner as a claim for refund under Article 9. If the taxpayer files an amended return indicating that the taxpayer received a rebate under this Section to which the taxpayer is not entitled, then the Department shall issue a notice of deficiency as provided in Article 9.

(d) The Department shall make the rebate payments authorized by this Section from the Income Tax Refund Fund.

(e) The amount of a rebate under this Section shall not be included in the taxpayer's income or resources for the purposes of determining eligibility or benefit level in any means-tested benefit program administered by a governmental entity unless required by federal law.

(f) Nothing in this Section prevents a taxpayer from receiving the earned income tax credit and the rebate under this Section for the same taxable year.

(g) Notwithstanding any other law to the contrary, the rebates shall not be subject to offset by the Comptroller against any liability owed either to the State or to any unit of local government.

(h) The Department shall adopt rules for the implementation of this Section, including emergency rules under Section 5-45.28 ~~5-45.21~~ of the Illinois Administrative Procedure Act.

(i) This Section is repealed on April 19, 2023 (one year after the effective date of Public Act 102-700) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

(35 ILCS 5/232)

Sec. 232. Tax credit for agritourism liability insurance.

(a) For taxable years beginning on or after January 1, 2022 and ending on or before December 31, 2023, any individual or entity that operates an agritourism operation in the State

during the taxable year shall be entitled to a tax credit against the tax imposed by subsections (a) and (b) of Section 201 equal to the lesser of 100% of the liability insurance premiums paid by that individual or entity during the taxable year or $1,000. To claim the credit, the taxpayer must apply to the Department of Agriculture for a certificate of credit in the form and manner required by the Department of Agriculture by rule. If granted, the taxpayer shall attach a copy of the certificate of credit to his or her Illinois income tax return for the taxable year. The total amount of credits that may be awarded by the Department of Agriculture may not exceed $1,000,000 in any calendar year.

(b) For the purposes of this Section:

"Agricultural property" means property that is used in whole or in part for production agriculture, as defined in Section 3-35 of the Use Tax Act, or used in connection with one or more of the following:

(1) the growing and harvesting of crops;

(2) the feeding, breeding, and management of livestock;

(3) dairying or any other agricultural or horticultural use or combination of those uses, including, but not limited to, the harvesting of hay, grain, fruit, or truck or vegetable crops, or floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming, or greenhouses; or

(4) the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming.

"Agritourism activities" includes, but is not limited to, the following:

(1) historic, cultural, and on-site educational programs;

(2) guided and self-guided tours, including school tours;

(3) animal exhibitions or petting zoos;

(4) agricultural crop mazes, such as corn or flower mazes;

(5) harvest-your-own or U-pick operations;

(6) horseback or pony rides; and

(7) hayrides or sleigh rides.

"Agritourism activities" does not include the following activities:

(1) hunting;

(2) fishing;

(3) amusement rides;

(4) rodeos;

(5) off-road biking or motorized off-highway or all-terrain vehicle activities;

(6) boating, swimming, canoeing, hiking, camping, skiing, bounce houses, or similar activities; or

(7) entertainment venues such as weddings or concerts.

"Agritourism operation" means an individual or entity that carries out agricultural activities on agricultural property and allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy those activities.

(c) If the taxpayer is a partnership or Subchapter S corporation, the credit shall be allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

(d) In no event shall a credit under this Section reduce the taxpayer's liability to less than zero. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset a liability, the earlier credit shall be applied first.

(Source: P.A. 102-700, eff. 4-19-22.)

(35 ILCS 5/233)

Sec. 233 ~~232~~. Recovery and Mental Health Tax Credit Act. For taxable years beginning on or after January 1, 2023, a taxpayer who has been awarded a credit under the Recovery and

Mental Health Tax Credit Act is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 as provided in that Act. This Section is exempt from the provisions of Section 250.

(Source: P.A. 102-1053, eff. 6-10-22; revised 8-3-22.)

(35 ILCS 5/901)

Sec. 901. Collection authority.

(a) In general. The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois. Except as provided in subsections (b), (c), (e), (f), (g), and (h) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Healthcare and Family Services.

(b) Local Government Distributive Fund. Beginning August 1, 2017 and continuing through July 31, 2022, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the sum of: (i) 6.06% (10% of the ratio of the 3% individual income tax rate prior to 2011 to the 4.95% individual income tax rate after July 1, 2017) of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon individuals, trusts, and estates during the preceding month; (ii) 6.85% (10% of the ratio of the 4.8% corporate income tax rate prior to 2011 to the 7% corporate income tax rate after July 1, 2017) of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon corporations during the preceding month; and (iii) beginning February 1, 2022, 6.06% of the net revenue realized from the tax imposed by subsection (p) of Section 201 of this Act upon electing pass-through entities. Beginning August 1, 2022, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the sum of: (i) 6.16% of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon individuals, trusts, and estates during the preceding month; (ii) 6.85% of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon corporations during the preceding month; and (iii) 6.16% of the net revenue realized from the tax

imposed by subsection (p) of Section 201 of this Act upon electing pass-through entities. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act which is deposited in the General Revenue Fund, the Education Assistance Fund, the Income Tax Surcharge Local Government Distributive Fund, the Fund for the Advancement of Education, and the Commitment to Human Services Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

Notwithstanding any provision of law to the contrary, beginning on July 6, 2017 (the effective date of Public Act 100-23), those amounts required under this subsection (b) to be transferred by the Treasurer into the Local Government Distributive Fund from the General Revenue Fund shall be directly deposited into the Local Government Distributive Fund as the revenue is realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. Beginning

with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal year 2011, the Annual Percentage shall be 8.75%. For fiscal year 2012, the Annual Percentage shall be 8.75%. For fiscal year 2013, the Annual Percentage shall be 9.75%. For fiscal year 2014, the Annual Percentage shall be 9.5%. For fiscal year 2015, the Annual Percentage shall be 10%. For fiscal year 2018, the Annual Percentage shall be 9.8%. For fiscal year 2019, the Annual Percentage shall be 9.7%. For fiscal year 2020, the Annual Percentage shall be 9.5%. For fiscal year 2021, the Annual Percentage shall be 9%. For fiscal year 2022, the Annual Percentage shall be 9.25%. For fiscal year 2023, the Annual Percentage shall be 9.25%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1),

(2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal year 2011, the Annual Percentage shall be 17.5%. For fiscal year 2012, the Annual Percentage shall be 17.5%. For fiscal year 2013, the Annual Percentage shall be 14%. For fiscal year 2014, the Annual Percentage shall be 13.4%. For fiscal year 2015, the Annual Percentage shall be 14%. For fiscal year 2018, the Annual Percentage shall be 17.5%. For fiscal year 2019, the Annual Percentage shall be 15.5%. For fiscal year 2020, the Annual Percentage shall be 14.25%. For fiscal year 2021, the Annual Percentage shall be 14%. For fiscal year 2022, the Annual Percentage shall be 15%. For

fiscal year 2023, the Annual Percentage shall be 14.5%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

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

(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose

of paying refunds resulting from overpayment of tax liability under Section 201 of this Act and for making transfers pursuant to this subsection (d), except that in State fiscal years 2022 and 2023, moneys in the Income Tax Refund Fund shall also be used to pay one-time rebate payments as provided under Sections 208.5 and 212.1.

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

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

(4) As soon as possible after the end of each fiscal

year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit, and excluding for fiscal year 2022 amounts attributable to transfers from the General Revenue Fund authorized by Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund

for the purposes of (i) paying refunds upon the order of the Director in accordance with the provisions of this Section and (ii) paying one-time rebate payments under Sections 208.5 and 212.1.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund. On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge

Local Government Distributive Fund in the State Treasury.

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

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

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

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

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

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

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

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

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

(Source: P.A. 101-8, see Section 99 for effective date; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-636, eff. 6-10-20; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658, eff. 8-27-21; 102-699, eff. 4-19-22; 102-700, eff. 4-19-22; 102-813, eff. 5-13-22; revised 8-2-22.)

(35 ILCS 5/917) (from Ch. 120, par. 9-917)

Sec. 917. Confidentiality and information sharing.

(a) Confidentiality. Except as provided in this Section,

all information received by the Department from returns filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within the Department or pursuant to official procedures for collection of any State tax or pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award or enforcement of any civil or criminal penalty or sanction imposed by this Act or by another statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor. However, the provisions of this paragraph are not applicable to information furnished to (i) the Department of Healthcare and Family Services (formerly Department of Public Aid), State's Attorneys, and the Attorney General for child support enforcement purposes and (ii) a licensed attorney representing the taxpayer where an appeal or a protest has been filed on behalf of the taxpayer. If it is necessary to file information obtained pursuant to this Act in a child support enforcement proceeding, the information shall be filed under seal. The furnishing upon request of the Auditor General, or his or her authorized agents, for official use of returns filed and information related thereto under this Act is deemed to be an official purpose within the Department within the meaning of

this Section.

(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Department of Healthcare and Family Services and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act, the Illinois Public Aid Code, and any other health benefit program administered by the State. The Director may exchange

information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Workers' Compensation Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act. The Director may exchange information with the Illinois Department on Aging for the purpose of verifying sources and amounts of income for purposes directly related to confirming eligibility for participation in the programs of benefits authorized by the Senior Citizens and Persons with Disabilities Property Tax Relief and Pharmaceutical Assistance Act. The Director may exchange information with the State Treasurer's Office and the Department of Employment Security for the purpose of implementing, administering, and enforcing the Illinois Secure Choice Savings Program Act. The Director may exchange information with the State Treasurer's Office for the purpose of administering the Revised Uniform Unclaimed Property Act or successor Acts. The Director may make information available to the Secretary of State for the purpose of administering Section 5-901 of the Illinois Vehicle Code. The Director may exchange information with the State Treasurer's Office for the purpose of administering the Illinois Higher Education Savings

Program established under Section 16.8 of the State Treasurer Act. The Director may make individual income tax information available to the State health benefits exchange, as defined in Section 513, if the disclosure is authorized by the taxpayer pursuant to Section 513.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting

securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director or principal officer of any Department of the State of Illinois,

information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term

"administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer.

(Source: P.A. 102-61, eff. 7-9-21; 102-129, eff. 7-23-21; 102-799, eff. 5-13-22; 102-813, eff. 5-13-22; 102-941, eff. 7-1-22; revised 8-3-22.)

Section 185. The Historic Preservation Tax Credit Act is amended by changing Section 5 as follows:

(35 ILCS 31/5)

Sec. 5. Definitions. As used in this Act, unless the context clearly indicates otherwise:

"Director" means the Director of Natural Resources or his or her designee.

"Division" means the State Historic Preservation Office within the Department of Natural Resources.

"Placed in service" means the date when the property is placed in a condition or state of readiness and availability

for a specifically assigned function as defined under Section 47 of the federal Internal Revenue Code and federal Treasury Regulation Sections 1.46 and 1.48.

"Qualified expenditures" means all the costs and expenses defined as qualified rehabilitation expenditures under Section 47 of the federal Internal Revenue Code that were incurred in connection with a qualified rehabilitation plan.

"Qualified historic structure" means any structure that is located in Illinois and is defined as a certified historic structure under Section 47(c)(3) of the federal Internal Revenue Code.

"Qualified rehabilitation plan" means a project that is approved by the Department of Natural Resources and the National Park Service as being consistent with the United States Secretary of the Interior's Standards for Rehabilitation.

"Qualified taxpayer" means the owner of the structure or any other person or entity that ~~who~~ may qualify for the federal rehabilitation credit allowed by Section 47 of the federal Internal Revenue Code.

"Recapture event" means any of the following events occurring during the recapture period:

(1) failure to place in service the rehabilitated portions of the qualified historic structure, or failure to maintain the rehabilitated portions of the qualified historic structure in service after they are placed in

service; provided that a recapture event under this paragraph (1) shall not include a removal from service for a reasonable period of time to conduct maintenance and repairs that are reasonably necessary to protect the health and safety of the public or to protect the structural integrity of the qualified historic structure or a neighboring structure;

(2) demolition or other alteration of the qualified historic structure in a manner that is inconsistent with the qualified rehabilitation plan or the Secretary of the Interior's Standards for Rehabilitation;

(3) disposition of the rehabilitated qualified historic structure in whole or a proportional disposition of a partnership interest therein, except as otherwise permitted by this Section; or

(4) use of the qualified historic structure in a manner that is inconsistent with the qualified rehabilitation plan or that is otherwise inconsistent with the provisions and intent of this Section.

A recapture event occurring in one taxable year shall be deemed continuing to subsequent taxable years unless and until corrected.

The following dispositions of a qualified historic structure shall not be deemed to be a recapture event for purposes of this Section:

(1) a transfer by reason of death;

(2) a transfer between spouses incident to divorce;

(3) a sale by and leaseback to an entity that, when the rehabilitated portions of the qualified historic structure are placed in service, will be a lessee of the qualified historic structure, but only for so long as the entity continues to be a lessee; and

(4) a mere change in the form of conducting the trade or business by the owner (or, if applicable, the lessee) of the qualified historic structure, so long as the property interest in such qualified historic structure is retained in such trade or business and the owner or lessee retains a substantial interest in such trade or business.

"Recapture period" means the 5-year period beginning on the date that the qualified historic structure or rehabilitated portions of the qualified historic structure are placed in service.

(Source: P.A. 102-741, eff. 5-6-22; revised 9-8-22.)

Section 190. The Invest in Kids Act is amended by changing Section 40 as follows:

(35 ILCS 40/40)

(Section scheduled to be repealed on January 1, 2025)

Sec. 40. Scholarship granting organization responsibilities.

(a) Before granting a scholarship for an academic year,

all scholarship granting organizations shall assess and document each student's eligibility for the academic year.

(b) A scholarship granting organization shall grant scholarships only to eligible students.

(c) A scholarship granting organization shall allow an eligible student to attend any qualified school of the student's choosing, subject to the availability of funds.

(d) In granting scholarships, beginning in the 2022-2023 school year and for each school year thereafter, a scholarship granting organization shall give priority to eligible students who received a scholarship from a scholarship granting organization during the previous school year. Second priority shall be given to the following priority groups:

(1) (blank);

(2) eligible students who are members of a household whose previous year's total annual income does not exceed 185% of the federal poverty level;

(3) eligible students who reside within a focus district; and

(4) eligible students who are siblings of students currently receiving a scholarship.

(d-5) A scholarship granting organization shall begin granting scholarships no later than February 1 preceding the school year for which the scholarship is sought. Each priority group identified in subsection (d) of this Section shall be eligible to receive scholarships on a first-come, first-served

basis until April 1 immediately preceding the school year for which the scholarship is sought, starting with the first priority group identified in subsection (d) of this Section. Applications for scholarships for eligible students meeting the qualifications of one or more priority groups that are received before April 1 must be either approved or denied within 10 business days after receipt. Beginning April 1, all eligible students shall be eligible to receive scholarships without regard to the priority groups identified in subsection (d) of this Section.

(e) Except as provided in subsection (e-5) of this Section, scholarships shall not exceed the lesser of (i) the statewide average operational expense per student among public schools or (ii) the necessary costs and fees for attendance at the qualified school. A qualified school may set a lower maximum scholarship amount for eligible students whose family income falls within paragraphs (2) and (3) of this subsection (e); that amount may not exceed the necessary costs and fees for attendance at the qualified school and is subject to the limitations on average scholarship amounts set forth in paragraphs (2) and (3) of this subsection, as applicable. The qualified school shall notify the scholarship granting organization of its necessary costs and fees as well as any maximum scholarship amount set by the school. Scholarships shall be prorated as follows:

(1) for eligible students whose household income is

less than 185% of the federal poverty level, the scholarship shall be 100% of the amount determined pursuant to this subsection (e) and subsection (e-5) of this Section;

(2) for eligible students whose household income is 185% or more of the federal poverty level but less than 250% of the federal poverty level, the average of scholarships shall be 75% of the amount determined pursuant to this subsection (e) and subsection (e-5) of this Section; and

(3) for eligible students whose household income is 250% or more of the federal poverty level, the average of scholarships shall be 50% of the amount determined pursuant to this subsection (e) and subsection (e-5) of this Section.

(e-5) The statewide average operational expense per student among public schools shall be multiplied by the following factors:

(1) for students determined eligible to receive services under the federal Individuals with Disabilities Education Act, 2;

(2) for students who are English learners, as defined in subsection (d) of Section 14C-2 of the School Code, 1.2; and

(3) for students who are gifted and talented children, as defined in Section 14A-20 of the School Code, 1.1.

(f) A scholarship granting organization shall distribute scholarship payments to the participating school where the student is enrolled.

(g) For the 2018-2019 school year through the 2022-2023 school year, each scholarship granting organization shall expend no less than 75% of the qualified contributions received during the calendar year in which the qualified contributions were received. No more than 25% of the qualified contributions may be carried forward to the following calendar year.

(h) For the 2023-2024 school year, each scholarship granting organization shall expend all qualified contributions received during the calendar year in which the qualified contributions were received. No qualified contributions may be carried forward to the following calendar year.

(i) A scholarship granting organization shall allow an eligible student to transfer a scholarship during a school year to any other participating school of the custodian's choice. Such scholarships shall be prorated.

(j) With the prior approval of the Department, a scholarship granting organization may transfer funds to another scholarship granting organization if additional funds are required to meet scholarship demands at the receiving scholarship granting organization. All transferred funds must be deposited by the receiving scholarship granting organization into its scholarship accounts. All transferred

amounts received by any scholarship granting organization must be separately disclosed to the Department.

(k) If the approval of a scholarship granting organization is revoked as provided in Section 20 of this Act or the scholarship granting organization is dissolved, all remaining qualified contributions of the scholarship granting organization shall be transferred to another scholarship granting organization. All transferred funds must be deposited by the receiving scholarship granting organization into its scholarship accounts.

(l) Scholarship granting organizations shall make reasonable efforts to advertise the availability of scholarships to eligible students.

(Source: P.A. 102-699, eff. 4-19-22; 102-1059, eff. 6-10-22; revised 8-3-22.)

Section 195. The Use Tax Act is amended by changing Sections 3-5, 3-10, and 9 as follows:

(35 ILCS 105/3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise

for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after July 1, 2001 (the effective date of Public Act 92-35), however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or

organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Until July 1, 2003 and beginning again on September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product. Beginning on July 1, 2017, graphic arts machinery and equipment is included in the manufacturing and assembling machinery and equipment exemption under paragraph (18).

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a

motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding

motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Until July 1, 2028, coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(17) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling

tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser. The exemption provided by this paragraph (18) includes production related tangible personal property, as defined in Section 3-50, purchased on or after July 1, 2019. The exemption provided by this paragraph (18) does not include machinery and equipment used in (i) the generation of electricity for wholesale or retail sale; (ii) the generation or treatment of natural or artificial gas for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains; or (iii) the treatment of water for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains. The provisions of Public Act 98-583 are declaratory of existing law as to the meaning and scope of this exemption. Beginning on July 1, 2017, the exemption provided by this paragraph (18) includes, but is not limited to, graphic arts machinery and equipment, as defined in paragraph (6) of this Section.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for

that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (21) is exempt from the provisions of Section 3-90, and the exemption provided for under this item (21) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used

in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that

purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention

facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual,

technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Beginning January 1, 2001 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(31) Beginning on August 2, 2001 (the effective date of Public Act 92-227), computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as

the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on August 2, 2001 (the effective date of Public Act 92-227), personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that

purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003 and through June 30, 2004, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, the term "used for commercial purposes" means the transportation of persons or

property in furtherance of any commercial or industrial enterprise, whether for-hire or not.

(34) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-90.

(35) Beginning January 1, 2010 and continuing through December 31, 2024, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the use of qualifying tangible personal property by persons who modify, refurbish, complete,

repair, replace, or maintain aircraft and who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (35) by Public Act 98-534 are declarative of existing law. It is the intent of the General Assembly that the exemption under this paragraph (35) applies continuously from January 1, 2010 through December 31, 2024; however, no claim for credit or refund is allowed for taxes paid as a result of the disallowance of this exemption on or after January 1, 2015 and prior to February 5, 2020 (the effective date of Public Act 101-629) ~~this amendatory Act of the 101st General Assembly~~.

(36) Tangible personal property purchased by a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt

instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 3-90.

(37) Beginning January 1, 2017 and through December 31, 2026, menstrual pads, tampons, and menstrual cups.

(38) Merchandise that is subject to the Rental Purchase Agreement Occupation and Use Tax. The purchaser must certify that the item is purchased to be rented subject to a rental purchase agreement, as defined in the Rental Purchase Agreement Act, and provide proof of registration under the Rental Purchase Agreement Occupation and Use Tax Act. This paragraph is exempt from the provisions of Section 3-90.

(39) Tangible personal property purchased by a purchaser who is exempt from the tax imposed by this Act by operation of federal law. This paragraph is exempt from the provisions of Section 3-90.

(40) Qualified tangible personal property used in the construction or operation of a data center that has been granted a certificate of exemption by the Department of Commerce and Economic Opportunity, whether that tangible personal property is purchased by the owner, operator, or tenant of the data center or by a contractor or subcontractor of the owner, operator, or tenant. Data centers that would

have qualified for a certificate of exemption prior to January 1, 2020 had Public Act 101-31 been in effect may apply for and obtain an exemption for subsequent purchases of computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the original investment that would have qualified.

The Department of Commerce and Economic Opportunity shall grant a certificate of exemption under this item (40) to qualified data centers as defined by Section 605-1025 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

For the purposes of this item (40):

"Data center" means a building or a series of buildings rehabilitated or constructed to house working servers in one physical location or multiple sites within the State of Illinois.

"Qualified tangible personal property" means: electrical systems and equipment; climate control and chilling equipment and systems; mechanical systems and equipment; monitoring and secure systems; emergency generators; hardware; computers; servers; data storage devices; network connectivity equipment; racks; cabinets; telecommunications cabling infrastructure; raised floor systems; peripheral components or systems; software; mechanical, electrical, or plumbing systems; battery

systems; cooling systems and towers; temperature control systems; other cabling; and other data center infrastructure equipment and systems necessary to operate qualified tangible personal property, including fixtures; and component parts of any of the foregoing, including installation, maintenance, repair, refurbishment, and replacement of qualified tangible personal property to generate, transform, transmit, distribute, or manage electricity necessary to operate qualified tangible personal property; and all other tangible personal property that is essential to the operations of a computer data center. The term "qualified tangible personal property" also includes building materials physically incorporated in to the qualifying data center. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the certificate of eligibility issued by the Department of Commerce and Economic Opportunity.

This item (40) is exempt from the provisions of Section 3-90.

(41) Beginning July 1, 2022, breast pumps, breast pump collection and storage supplies, and breast pump kits. This item (41) is exempt from the provisions of Section 3-90. As used in this item (41):

"Breast pump" means an electrically controlled or manually controlled pump device designed or marketed to be

used to express milk from a human breast during lactation, including the pump device and any battery, AC adapter, or other power supply unit that is used to power the pump device and is packaged and sold with the pump device at the time of sale.

"Breast pump collection and storage supplies" means items of tangible personal property designed or marketed to be used in conjunction with a breast pump to collect milk expressed from a human breast and to store collected milk until it is ready for consumption.

"Breast pump collection and storage supplies" includes, but is not limited to: breast shields and breast shield connectors; breast pump tubes and tubing adapters; breast pump valves and membranes; backflow protectors and backflow protector adaptors; bottles and bottle caps specific to the operation of the breast pump; and breast milk storage bags.

"Breast pump collection and storage supplies" does not include: (1) bottles and bottle caps not specific to the operation of the breast pump; (2) breast pump travel bags and other similar carrying accessories, including ice packs, labels, and other similar products; (3) breast pump cleaning supplies; (4) nursing bras, bra pads, breast shells, and other similar products; and (5) creams, ointments, and other similar products that relieve breastfeeding-related symptoms or conditions of the

breasts or nipples, unless sold as part of a breast pump kit that is pre-packaged by the breast pump manufacturer or distributor.

"Breast pump kit" means a kit that: (1) contains no more than a breast pump, breast pump collection and storage supplies, a rechargeable battery for operating the breast pump, a breastmilk cooler, bottle stands, ice packs, and a breast pump carrying case; and (2) is pre-packaged as a breast pump kit by the breast pump manufacturer or distributor.

(42) ~~(41)~~ Tangible personal property sold by or on behalf of the State Treasurer pursuant to the Revised Uniform Unclaimed Property Act. This item (42) ~~(41)~~ is exempt from the provisions of Section 3-90.

(Source: P.A. 101-9, eff. 6-5-19; 101-31, eff. 6-28-19; 101-81, eff. 7-12-19; 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-700, Article 70, Section 70-5, eff. 4-19-22; 102-700, Article 75, Section 75-5, eff. 4-19-22; 102-1026, eff. 5-27-22; revised 8-1-22.)

(35 ILCS 105/3-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of either the selling price or the fair market value, if any, of the tangible personal property. In all cases where property functionally used or consumed is the same as the property that

was purchased at retail, then the tax is imposed on the selling price of the property. In all cases where property functionally used or consumed is a by-product or waste product that has been refined, manufactured, or produced from property purchased at retail, then the tax is imposed on the lower of the fair market value, if any, of the specific property so used in this State or on the selling price of the property purchased at retail. For purposes of this Section "fair market value" means the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. The fair market value shall be established by Illinois sales by the taxpayer of the same property as that functionally used or consumed, or if there are no such sales by the taxpayer, then comparable sales or purchases of property of like kind and character in Illinois.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

Beginning on August 6, 2010 through August 15, 2010, and beginning again on August 5, 2022 through August 14, 2022, with respect to sales tax holiday items as defined in Section 3-6 of this Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, the tax imposed by this Act applies to (i) 70% of the proceeds of sales made on or after

January 1, 1990, and before July 1, 2003, (ii) 80% of the proceeds of sales made on or after July 1, 2003 and on or before July 1, 2017, and (iii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of gasohol is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2023 but applies to 100% of the proceeds of sales made thereafter.

With respect to biodiesel blends with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of sales made after December 31, 2018 and before January 1, 2024. On and after January 1, 2024 and on or before December 31, 2030, the taxation of biodiesel, renewable diesel, and biodiesel blends shall be as provided in Section 3-5.1. If, at any time, however, the tax under this Act on sales of biodiesel blends with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to biodiesel and biodiesel blends with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2023. On and after January 1, 2024 and on or before December 31, 2030, the taxation of biodiesel, renewable diesel, and biodiesel blends shall be as provided in Section 3-5.1.

Until July 1, 2022 and beginning again on July 1, 2023, with respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption), the tax is imposed at the rate of 1%. Beginning on July 1, 2022 and until July 1, 2023, with respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption), the tax is imposed at the rate of 0%.

With respect to prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of rendering it usable by a person with a

disability, and insulin, blood sugar testing materials, syringes, and needles used by human diabetics, the tax is imposed at the rate of 1%. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including, but not limited to, soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does ~~do~~ not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning

August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug

as required by 21 CFR ~~C.F.R. §~~ 201.66. The "over-the-counter-drug" label includes:

(A) a ~~A~~ "Drug Facts" panel; or

(B) a ~~A~~ statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on January 1, 2014 (the effective date of Public Act 98-122) ~~this amendatory Act of the 98th General Assembly~~, "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Program Act.

As used in this Section, "adult use cannabis" means cannabis subject to tax under the Cannabis Cultivation Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and does not include cannabis subject to tax under the Compassionate Use of Medical Cannabis Program Act.

If the property that is purchased at retail from a retailer is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19; 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-5, eff.

4-19-22; 102-700, Article 60, Section 60-15, eff. 4-19-22; 102-700, Article 65, Section 65-5, eff. 4-19-22; revised 5-27-22.)

(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. When determining the discount allowed under this Section, retailers shall include the amount of tax that would have been due at the 6.25% rate but for the 1.25% rate imposed on sales tax holiday items under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~. The discount under this Section is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. When determining the discount allowed under this Section, retailers shall include the amount

of tax that would have been due at the 1% rate but for the 0% rate imposed under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The discount allowed under this Section is allowed only for returns that are filed in the manner required by this Act. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require. The return shall include the gross receipts on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) which were received during the preceding calendar month, quarter, or year, as appropriate, and upon which tax would have been due but for the 0% rate imposed under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~. The return shall also include the amount of tax that would have been due on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) but for the 0% rate imposed under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~.

On and after January 1, 2018, except for returns required to be filed prior to January 1, 2023 for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, with respect to

retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act shall be filed electronically. On and after January 1, 2023, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act, including, but not limited to, returns for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, shall be filed electronically. Retailers who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding

calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due;

5-5. The signature of the taxpayer; and

6. Such other reasonable information as the Department may require.

Each retailer required or authorized to collect the tax imposed by this Act on aviation fuel sold at retail in this State during the preceding calendar month shall, instead of reporting and paying tax on aviation fuel as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, retailers collecting tax on aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Notwithstanding any other provision of this Act to the

contrary, retailers subject to tax on cannabis shall file all cannabis tax returns and shall make all cannabis tax payments by electronic means in the manner and form required by the Department.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the

amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or

before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment

shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a

taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. Quarter monthly payment status shall be determined under this paragraph as if the rate reduction to 1.25% in Public Act 102-700 ~~this amendatory Act of the 102nd~~

~~General Assembly~~ on sales tax holiday items had not occurred. For quarter monthly payments due on or after July 1, 2023 and through June 30, 2024, "25% of the taxpayer's liability for the same calendar month of the preceding year" shall be determined as if the rate reduction to 1.25% in Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on sales tax holiday items had not occurred. Quarter monthly payment status shall be determined under this paragraph as if the rate reduction to 0% in Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) had not occurred. For quarter monthly payments due under this paragraph on or after July 1, 2023 and through June 30, 2024, "25% of the taxpayer's liability for the same calendar month of the preceding year" shall be determined as if the rate reduction to 0% in Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~ had not occurred. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the

minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by

the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, except as otherwise provided in this Section, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting

return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every person who is engaged in the business of leasing or renting such items and who, in connection with such business, sells any such item to a retailer for the purpose of resale is, notwithstanding any other provision of this Section to the contrary, authorized to meet the return-filing requirement of this Act by reporting the transfer of all the aircraft, watercraft, motor vehicles, or trailers transferred for resale during a month to the Department on the same uniform invoice-transaction reporting return form on or before the 20th of the month following the month in which the transfer takes place. Notwithstanding any other provision of this Act to the contrary, all returns filed under this paragraph must be filed by electronic means in the manner and form as required by the Department.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the

selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the

purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with

whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account

with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected

from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax imposed under this Act.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than (i) tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government and (ii) aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

For aviation fuel sold on or after December 1, 2019, each month the Department shall pay into the State Aviation Program Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of aviation fuel, less an amount estimated by the Department to be required for refunds of the 20% portion of the tax on aviation fuel under this Act, which amount shall be deposited into the Aviation Fuel Sales Tax Refund Fund. The Department shall only pay moneys into the State Aviation Program Fund and the Aviation Fuels Sales Tax Refund Fund under this Act for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25%

rate on the selling price of motor fuel and gasohol. If, in any month, the tax on sales tax holiday items, as defined in Section 3-6, is imposed at the rate of 1.25%, then the Department shall pay 100% of the net revenue realized for that month from the 1.25% rate on the selling price of sales tax holiday items into the State and Local Sales Tax Reform Fund.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act or the federal Clean Air Act, but

the total payment into the Clean Air Act Permit Fund under this Act and the Retailers' Occupation Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on

and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no

event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the

Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000

1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000

2021	300,000,000
2022	300,000,000
2023	300,000,000
2024	300,000,000
2025	300,000,000
2026	300,000,000
2027	375,000,000
2028	375,000,000
2029	375,000,000
2030	375,000,000
2031	375,000,000
2032	375,000,000
2033	375,000,000
2034	375,000,000
2035	375,000,000
2036	450,000,000
and	
each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.	

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the

certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Capital Projects Fund, the Clean Air Act Permit Fund, the Build Illinois Fund, and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, for aviation fuel sold on or after December 1, 2019, the Department shall each month deposit into the Aviation Fuel Sales Tax Refund Fund an amount estimated by the Department to be required for refunds of the 80% portion of the tax on aviation fuel under this Act. The Department shall only deposit moneys into the Aviation Fuel Sales Tax Refund Fund under this paragraph for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the

preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month, from

the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Subject to payments of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, beginning on July 1, 2018 the Department shall pay each month into the Downstate Public Transportation Fund the moneys required to be so paid under Section 2-3 of the Downstate Public Transportation Act.

Subject to successful execution and delivery of a public-private agreement between the public agency and private entity and completion of the civic build, beginning on July 1, 2023, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, the Department shall

deposit the following specified deposits in the aggregate from collections under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, as required under Section 8.25g of the State Finance Act for distribution consistent with the Public-Private Partnership for Civic and Transit Infrastructure Project Act. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim, and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act. As used in this paragraph, "civic build", "private entity", "public-private agreement", and "public agency" have the meanings provided in Section 25-10 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act.

Fiscal Year	Total Deposit
2024	$200,000,000
2025	$206,000,000
2026	$212,200,000
2027	$218,500,000
2028	$225,100,000
2029	$288,700,000
2030	$298,900,000
2031	$309,300,000
2032	$320,100,000
2033	$331,200,000

2034 ..... $341,200,000

2035 ..... $351,400,000

2036 ..... $361,900,000

2037 ..... $372,800,000

2038 ..... $384,000,000

2039 ..... $395,500,000

2040 ..... $407,400,000

2041 ..... $419,600,000

2042 ..... $432,200,000

2043 ..... $445,100,000

Beginning July 1, 2021 and until July 1, 2022, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 16% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2022 and until July 1, 2023, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 32% of the net

revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2023 and until July 1, 2024, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 48% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2024 and until July 1, 2025, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 64% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning on July 1, 2025, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 80% of the net revenue realized from the taxes

imposed on motor fuel and gasohol. As used in this paragraph "motor fuel" has the meaning given to that term in Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the meaning given to that term in Section 3-40 of this Act.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to

such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.
(Source: P.A. 101-10, Article 15, Section 15-10, eff. 6-5-19; 101-10, Article 25, Section 25-105, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19; 101-636, eff. 6-10-20; 102-700, Article 60, Section 60-15, eff. 4-19-22; 102-700, Article 65, Section 65-5, eff. 4-19-22; 102-1019, eff. 1-1-23; revised 12-13-22.)

Section 200. The Service Use Tax Act is amended by changing Sections 3-5 and 3-10 as follows:

(35 ILCS 110/3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts

or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after July 1, 2001 (the effective date of Public Act 92-35), however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and

immediate change upon a graphic arts product. Beginning on July 1, 2017, graphic arts machinery and equipment is included in the manufacturing and assembling machinery and equipment exemption under Section 2 of this Act.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of

its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2028, coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (14) is exempt from the provisions of Section 3-75, and the exemption provided for

under this item (14) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88).

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If,

however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated

for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a

corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising

entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Beginning August 23, 2001 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined

in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(24) Beginning on August 2, 2001 (the effective date of Public Act 92-227), computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of

Section 3-75.

(25) Beginning on August 2, 2001 (the effective date of Public Act 92-227), personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(26) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental

Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-75.

(27) Beginning January 1, 2010 and continuing through December 31, 2024, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the use of qualifying tangible personal property transferred incident to the modification, refurbishment, completion, replacement, repair, or maintenance of aircraft by persons who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of

the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (27) by Public Act 98-534 are declarative of existing law. It is the intent of the General Assembly that the exemption under this paragraph (27) applies continuously from January 1, 2010 through December 31, 2024; however, no claim for credit or refund is allowed for taxes paid as a result of the disallowance of this exemption on or after January 1, 2015 and prior to February 5, 2020 (the effective date of Public Act 101-629) ~~this amendatory Act of the 101st General Assembly~~.

(28) Tangible personal property purchased by a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois

Municipal Code. This paragraph is exempt from the provisions of Section 3-75.

(29) Beginning January 1, 2017 and through December 31, 2026, menstrual pads, tampons, and menstrual cups.

(30) Tangible personal property transferred to a purchaser who is exempt from the tax imposed by this Act by operation of federal law. This paragraph is exempt from the provisions of Section 3-75.

(31) Qualified tangible personal property used in the construction or operation of a data center that has been granted a certificate of exemption by the Department of Commerce and Economic Opportunity, whether that tangible personal property is purchased by the owner, operator, or tenant of the data center or by a contractor or subcontractor of the owner, operator, or tenant. Data centers that would have qualified for a certificate of exemption prior to January 1, 2020 had Public Act 101-31 ~~this amendatory Act of the 101st General Assembly~~ been in effect, may apply for and obtain an exemption for subsequent purchases of computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the original investment that would have qualified.

The Department of Commerce and Economic Opportunity shall grant a certificate of exemption under this item (31) to qualified data centers as defined by Section 605-1025 of the

Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

For the purposes of this item (31):

"Data center" means a building or a series of buildings rehabilitated or constructed to house working servers in one physical location or multiple sites within the State of Illinois.

"Qualified tangible personal property" means: electrical systems and equipment; climate control and chilling equipment and systems; mechanical systems and equipment; monitoring and secure systems; emergency generators; hardware; computers; servers; data storage devices; network connectivity equipment; racks; cabinets; telecommunications cabling infrastructure; raised floor systems; peripheral components or systems; software; mechanical, electrical, or plumbing systems; battery systems; cooling systems and towers; temperature control systems; other cabling; and other data center infrastructure equipment and systems necessary to operate qualified tangible personal property, including fixtures; and component parts of any of the foregoing, including installation, maintenance, repair, refurbishment, and replacement of qualified tangible personal property to generate, transform, transmit, distribute, or manage electricity necessary to operate qualified tangible personal property; and all other tangible personal

property that is essential to the operations of a computer data center. The term "qualified tangible personal property" also includes building materials physically incorporated in to the qualifying data center. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the certificate of eligibility issued by the Department of Commerce and Economic Opportunity.

This item (31) is exempt from the provisions of Section 3-75.

(32) Beginning July 1, 2022, breast pumps, breast pump collection and storage supplies, and breast pump kits. This item (32) is exempt from the provisions of Section 3-75. As used in this item (32):

"Breast pump" means an electrically controlled or manually controlled pump device designed or marketed to be used to express milk from a human breast during lactation, including the pump device and any battery, AC adapter, or other power supply unit that is used to power the pump device and is packaged and sold with the pump device at the time of sale.

"Breast pump collection and storage supplies" means items of tangible personal property designed or marketed to be used in conjunction with a breast pump to collect milk expressed from a human breast and to store collected milk until it is ready for consumption.

"Breast pump collection and storage supplies" includes, but is not limited to: breast shields and breast shield connectors; breast pump tubes and tubing adapters; breast pump valves and membranes; backflow protectors and backflow protector adaptors; bottles and bottle caps specific to the operation of the breast pump; and breast milk storage bags.

"Breast pump collection and storage supplies" does not include: (1) bottles and bottle caps not specific to the operation of the breast pump; (2) breast pump travel bags and other similar carrying accessories, including ice packs, labels, and other similar products; (3) breast pump cleaning supplies; (4) nursing bras, bra pads, breast shells, and other similar products; and (5) creams, ointments, and other similar products that relieve breastfeeding-related symptoms or conditions of the breasts or nipples, unless sold as part of a breast pump kit that is pre-packaged by the breast pump manufacturer or distributor.

"Breast pump kit" means a kit that: (1) contains no more than a breast pump, breast pump collection and storage supplies, a rechargeable battery for operating the breast pump, a breastmilk cooler, bottle stands, ice packs, and a breast pump carrying case; and (2) is pre-packaged as a breast pump kit by the breast pump manufacturer or distributor.

(33) ~~(32)~~ Tangible personal property sold by or on behalf of the State Treasurer pursuant to the Revised Uniform Unclaimed Property Act. This item (33) ~~(32)~~ is exempt from the provisions of Section 3-75.

(Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19; 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-700, Article 70, Section 70-10, eff. 4-19-22; 102-700, Article 75, Section 75-10, eff. 4-19-22; 102-1026, eff. 5-27-22; revised 8-3-22.)

(35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the selling price of tangible personal property transferred as an incident to the sale of service, but, for the purpose of computing this tax, in no event shall the selling price be less than the cost price of the property to the serviceman.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act applies to (i) 70% of the selling price of property transferred as an incident to the sale of service on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before

July 1, 2017, and (iii) 100% of the selling price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2023 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of the selling price after December 31, 2018 and before January 1, 2024. On and after January 1, 2024 and on or before December 31, 2030, the taxation of biodiesel, renewable diesel, and biodiesel blends shall be as provided in Section 3-5.1 of the Use Tax Act. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1%

and no more than 10% biodiesel made during that time.

With respect to biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2023. On and after January 1, 2024 and on or before December 31, 2030, the taxation of biodiesel, renewable diesel, and biodiesel blends shall be as provided in Section 3-5.1 of the Use Tax Act.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred as an incident to the sale of those services.

Until July 1, 2022 and beginning again on July 1, 2023, the tax shall be imposed at the rate of 1% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the

Nursing Home Care Act, the Assisted Living and Shared Housing Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969, or an entity that holds a permit issued pursuant to the Life Care Facilities Act. Until July 1, 2022 and beginning again on July 1, 2023, the tax shall also be imposed at the rate of 1% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph).

Beginning on July 1, 2022 and until July 1, 2023, the tax shall be imposed at the rate of 0% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the Assisted Living and Shared Housing Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969, or an entity that holds a permit issued pursuant to the Life Care Facilities Act. Beginning on July 1, 2022 and until July 1, 2023, the tax shall also be imposed at the rate of 0% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult

use cannabis, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph).

The tax shall also be imposed at the rate of 1% on prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, blood sugar testing materials, syringes, and needles used by human diabetics. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including, but not limited to, soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic

beverages that contain natural or artificial sweeteners. "Soft drinks" does ~~do~~ not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act,

beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 CFR ~~C.F.R. §~~ 201.66. The "over-the-counter-drug" label includes:

(A) a ~~A~~ "Drug Facts" panel; or

(B) a ~~A~~ statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on January 1, 2014 (the effective date of Public Act 98-122), "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Program Act.

As used in this Section, "adult use cannabis" means cannabis subject to tax under the Cannabis Cultivation Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and does not include cannabis subject to tax under the Compassionate Use of Medical Cannabis Program Act.

If the property that is acquired from a serviceman is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is taxable under this Act, the "selling price" on which the tax is computed shall be reduced by an amount that represents a reasonable allowance for depreciation for the period of prior out-of-state use.

(Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19; 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-700, Article 20, Section 20-10, eff. 4-19-22; 102-700, Article 60, Section 60-20, eff. 4-19-22; revised 6-1-22.)

Section 205. The Service Occupation Tax Act is amended by changing Sections 3-5 and 3-10 as follows:

(35 ILCS 115/3-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit

Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after July 1, 2001 (the effective date of Public Act 92-35), however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used

primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product. Beginning on July 1, 2017, graphic arts machinery and equipment is included in the manufacturing and assembling machinery and equipment exemption under Section 2 of this Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a

motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Until June 30, 2013, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding

motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2028, coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(13) Beginning January 1, 1992 and through June 30, 2016, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical

assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or in a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (15) is exempt from the provisions of Section 3-55, and the exemption provided for under this item (15) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88).

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption

identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention

facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual,

technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on August 2, 2001 (the effective date of Public Act 92-227), computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on August 2, 2001 (the effective date of Public Act 92-227), personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002 and through June 30, 2016, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated,

or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(27) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-55.

(28) Tangible personal property sold to a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but

only if the legal title to the municipal convention hall is transferred to the municipality without any further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 3-55.

(29) Beginning January 1, 2010 and continuing through December 31, 2024, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This

exemption applies only to the transfer of qualifying tangible personal property incident to the modification, refurbishment, completion, replacement, repair, or maintenance of an aircraft by persons who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (29) by Public Act 98-534 are declarative of existing law. It is the intent of the General Assembly that the exemption under this paragraph (29) applies continuously from January 1, 2010 through December 31, 2024; however, no claim for credit or refund is allowed for taxes paid as a result of the disallowance of this exemption on or after January 1, 2015 and prior to February 5, 2020 (the effective date of Public Act 101-629) ~~this amendatory Act of the 101st General Assembly~~.

(30) Beginning January 1, 2017 and through December 31, 2026, menstrual pads, tampons, and menstrual cups.

(31) Tangible personal property transferred to a purchaser who is exempt from tax by operation of federal law. This paragraph is exempt from the provisions of Section 3-55.

(32) Qualified tangible personal property used in the

construction or operation of a data center that has been granted a certificate of exemption by the Department of Commerce and Economic Opportunity, whether that tangible personal property is purchased by the owner, operator, or tenant of the data center or by a contractor or subcontractor of the owner, operator, or tenant. Data centers that would have qualified for a certificate of exemption prior to January 1, 2020 had Public Act 101-31 ~~this amendatory Act of the 101st General Assembly~~ been in effect, may apply for and obtain an exemption for subsequent purchases of computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the original investment that would have qualified.

The Department of Commerce and Economic Opportunity shall grant a certificate of exemption under this item (32) to qualified data centers as defined by Section 605-1025 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

For the purposes of this item (32):

"Data center" means a building or a series of buildings rehabilitated or constructed to house working servers in one physical location or multiple sites within the State of Illinois.

"Qualified tangible personal property" means: electrical systems and equipment; climate control and

chilling equipment and systems; mechanical systems and equipment; monitoring and secure systems; emergency generators; hardware; computers; servers; data storage devices; network connectivity equipment; racks; cabinets; telecommunications cabling infrastructure; raised floor systems; peripheral components or systems; software; mechanical, electrical, or plumbing systems; battery systems; cooling systems and towers; temperature control systems; other cabling; and other data center infrastructure equipment and systems necessary to operate qualified tangible personal property, including fixtures; and component parts of any of the foregoing, including installation, maintenance, repair, refurbishment, and replacement of qualified tangible personal property to generate, transform, transmit, distribute, or manage electricity necessary to operate qualified tangible personal property; and all other tangible personal property that is essential to the operations of a computer data center. The term "qualified tangible personal property" also includes building materials physically incorporated in to the qualifying data center. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the certificate of eligibility issued by the Department of Commerce and Economic Opportunity.

This item (32) is exempt from the provisions of Section

3-55.

(33) Beginning July 1, 2022, breast pumps, breast pump collection and storage supplies, and breast pump kits. This item (33) is exempt from the provisions of Section 3-55. As used in this item (33):

"Breast pump" means an electrically controlled or manually controlled pump device designed or marketed to be used to express milk from a human breast during lactation, including the pump device and any battery, AC adapter, or other power supply unit that is used to power the pump device and is packaged and sold with the pump device at the time of sale.

"Breast pump collection and storage supplies" means items of tangible personal property designed or marketed to be used in conjunction with a breast pump to collect milk expressed from a human breast and to store collected milk until it is ready for consumption.

"Breast pump collection and storage supplies" includes, but is not limited to: breast shields and breast shield connectors; breast pump tubes and tubing adapters; breast pump valves and membranes; backflow protectors and backflow protector adaptors; bottles and bottle caps specific to the operation of the breast pump; and breast milk storage bags.

"Breast pump collection and storage supplies" does not include: (1) bottles and bottle caps not specific to the

operation of the breast pump; (2) breast pump travel bags and other similar carrying accessories, including ice packs, labels, and other similar products; (3) breast pump cleaning supplies; (4) nursing bras, bra pads, breast shells, and other similar products; and (5) creams, ointments, and other similar products that relieve breastfeeding-related symptoms or conditions of the breasts or nipples, unless sold as part of a breast pump kit that is pre-packaged by the breast pump manufacturer or distributor.

"Breast pump kit" means a kit that: (1) contains no more than a breast pump, breast pump collection and storage supplies, a rechargeable battery for operating the breast pump, a breastmilk cooler, bottle stands, ice packs, and a breast pump carrying case; and (2) is pre-packaged as a breast pump kit by the breast pump manufacturer or distributor.

(34) ~~(33)~~ Tangible personal property sold by or on behalf of the State Treasurer pursuant to the Revised Uniform Unclaimed Property Act. This item (34) ~~(33)~~ is exempt from the provisions of Section 3-55.

(Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19; 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-700, Article 70, Section 70-15, eff. 4-19-22; 102-700, Article 75, Section 75-15, eff. 4-19-22; 102-1026, eff. 5-27-22; revised 8-9-22.)

(35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

Sec. 3-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of the "selling price", as defined in Section 2 of the Service Use Tax Act, of the tangible personal property. For the purpose of computing this tax, in no event shall the "selling price" be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred as an incident of a sale of service may be shown as a distinct and separate item on the serviceman's billing to the service customer. If the selling price is not so shown, the selling price of the tangible personal property is deemed to be 50% of the serviceman's entire billing to the service customer. When, however, a serviceman contracts to design, develop, and produce special order machinery or equipment, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the completion of the contract.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act shall apply to (i) 70% of the cost price of property transferred as an incident to the sale of

service on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before July 1, 2017, and (iii) 100% of the cost price thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2023 but applies to 100% of the selling price thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of the selling price after December 31, 2018 and before January 1, 2024. On and after January 1, 2024 and on or before December 31, 2030, the taxation of biodiesel, renewable diesel, and biodiesel blends shall be as provided in Section 3-5.1 of the Use Tax Act. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less

than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel material, the tax imposed by this Act does not apply to the proceeds of the selling price of property transferred as an incident to the sale of service on or after July 1, 2003 and on or before December 31, 2023. On and after January 1, 2024 and on or before December 31, 2030, the taxation of biodiesel, renewable diesel, and biodiesel blends shall be as provided in Section 3-5.1 of the Use Tax Act.

At the election of any registered serviceman made for each fiscal year, sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the sale of those services.

Until July 1, 2022 and beginning again on July 1, 2023, the tax shall be imposed at the rate of 1% on food prepared for

immediate consumption and transferred incident to a sale of service subject to this Act or the Service Use Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the Assisted Living and Shared Housing Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969, or an entity that holds a permit issued pursuant to the Life Care Facilities Act. Until July 1, 2022 and beginning again on July 1, 2023, the tax shall also be imposed at the rate of 1% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph).

Beginning on July 1, 2022 and until July 1, 2023, the tax shall be imposed at the rate of 0% on food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Use Tax Act by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the Assisted Living and Shared Housing Act, the ID/DD Community Care Act, the MC/DD Act, the Specialized Mental Health Rehabilitation Act of 2013, or the Child Care Act of 1969, or an entity that holds a permit issued pursuant to the Life Care Facilities Act. Beginning July 1, 2022 and until July 1, 2023, the tax shall also be imposed at the rate

of 0% on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption and is not otherwise included in this paragraph).

The tax shall also be imposed at the rate of 1% on prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, blood sugar testing materials, syringes, and needles used by human diabetics. For the purposes of this Section, until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including, but not limited to, soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does ~~do~~ not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains

flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 CFR ~~C.F.R. §~~ 201.66. The "over-the-counter-drug" label includes:

(A) a ~~A~~ "Drug Facts" panel; or

(B) a ~~A~~ statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on January 1, 2014 (the effective date of Public Act 98-122), "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Program Act.

As used in this Section, "adult use cannabis" means cannabis subject to tax under the Cannabis Cultivation Privilege Tax Law and the Cannabis Purchaser Excise Tax Law

and does not include cannabis subject to tax under the Compassionate Use of Medical Cannabis Program Act.
(Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19; 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-700, Article 20, Section 20-15, eff. 4-19-22; 102-700, Article 60, Section 60-25, eff. 4-19-22; revised 6-1-22.)

Section 210. The Retailers' Occupation Tax Act is amended by changing Sections 2-5, 2-10, and 3 as follows:

(35 ILCS 120/2-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but

excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (2) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004 through August 30, 2014, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product. Beginning on July 1, 2017, graphic arts machinery and equipment is included in the manufacturing and assembling machinery and equipment exemption under paragraph (14).

(5) A motor vehicle that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act. This paragraph is exempt from the provisions of Section 2-70.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or

secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after July 1, 2001 (the effective date of Public Act 92-35), however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for

the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) (Blank).

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross

vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or

by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser. The exemption provided by this paragraph (14) does not include machinery and equipment used in (i) the generation of electricity for wholesale or retail sale; (ii) the generation or treatment of natural or artificial gas for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains; or (iii) the treatment of water for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains. The provisions of Public Act 98-583 are declaratory of existing law as to the meaning and scope of this exemption. Beginning on July 1, 2017, the exemption provided by this paragraph (14) includes, but is not limited to, graphic arts machinery and equipment, as defined in paragraph (4) of this Section.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate

directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Tangible personal property sold to a purchaser if the purchaser is exempt from use tax by operation of federal law. This paragraph is exempt from the provisions of Section 2-70.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and

production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2028, coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code. The changes made to this Section by Public Act 97-767 apply on and after July 1, 2003, but no claim for credit or refund is allowed on or after August 16, 2013 (the effective date of Public Act 98-456) for such taxes paid during the period beginning July 1, 2003 and ending on August 16, 2013 (the effective date of Public Act 98-456).

(22) Until June 30, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or

locations outside the United States without regard to previous or subsequent domestic stopovers.

Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not

to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property

in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(25-7) Beginning on July 1, 2007, no tax is imposed under this Act on the sale of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, if all of the following conditions are met:

(1) the aircraft leaves this State within 15 days after the later of either the issuance of the final billing for the sale of the aircraft, or the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 CFR ~~C.F.R.~~ 91.407;

(2) the aircraft is not based or registered in this State after the sale of the aircraft; and

(3) the seller retains in his or her books and records and provides to the Department a signed and dated certification from the purchaser, on a form prescribed by the Department, certifying that the requirements of this item (25-7) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.

For purposes of this item (25-7):

"Based in this State" means hangared, stored, or otherwise used, excluding post-sale customizations as defined in this Section, for 10 or more days in each 12-month period immediately following the date of the sale of the aircraft.

"Registered in this State" means an aircraft registered with the Department of Transportation, Aeronautics Division, or titled or registered with the Federal Aviation Administration to an address located in this State.

This paragraph (25-7) is exempt from the provisions of Section 2-70.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (27) is exempt from the provisions of Section 2-70, and the exemption provided for under this item (27) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88).

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption

identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" as that term is used in the Wildlife Code. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for

the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Beginning August 23, 2001 and through June 30, 2016, food for human consumption that is to be consumed

off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act, or a licensed facility as defined in the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an

active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002 and through June 30, 2016, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal

property outside of the State of Illinois.

(39) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 2-70.

(40) Beginning January 1, 2010 and continuing through December 31, 2024, materials, parts, equipment, components, and furnishings incorporated into or upon an aircraft as part of the modification, refurbishment, completion, replacement, repair, or maintenance of the aircraft. This exemption includes consumable supplies used in the modification, refurbishment, completion, replacement, repair, and maintenance of aircraft, but excludes any materials, parts, equipment, components, and consumable supplies used in the modification, replacement, repair, and maintenance of aircraft engines or power plants, whether such engines or power plants are installed or uninstalled upon any such aircraft. "Consumable supplies" include, but are not limited to, adhesive, tape, sandpaper, general purpose lubricants, cleaning solution, latex gloves, and protective films. This exemption applies only to the sale of qualifying tangible personal property

to persons who modify, refurbish, complete, replace, or maintain an aircraft and who (i) hold an Air Agency Certificate and are empowered to operate an approved repair station by the Federal Aviation Administration, (ii) have a Class IV Rating, and (iii) conduct operations in accordance with Part 145 of the Federal Aviation Regulations. The exemption does not include aircraft operated by a commercial air carrier providing scheduled passenger air service pursuant to authority issued under Part 121 or Part 129 of the Federal Aviation Regulations. The changes made to this paragraph (40) by Public Act 98-534 are declarative of existing law. It is the intent of the General Assembly that the exemption under this paragraph (40) applies continuously from January 1, 2010 through December 31, 2024; however, no claim for credit or refund is allowed for taxes paid as a result of the disallowance of this exemption on or after January 1, 2015 and prior to February 5, 2020 (the effective date of Public Act 101-629) ~~this amendatory Act of the 101st General Assembly~~.

(41) Tangible personal property sold to a public-facilities corporation, as described in Section 11-65-10 of the Illinois Municipal Code, for purposes of constructing or furnishing a municipal convention hall, but only if the legal title to the municipal convention hall is transferred to the municipality without any

further consideration by or on behalf of the municipality at the time of the completion of the municipal convention hall or upon the retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall. This exemption includes existing public-facilities corporations as provided in Section 11-65-25 of the Illinois Municipal Code. This paragraph is exempt from the provisions of Section 2-70.

(42) Beginning January 1, 2017 and through December 31, 2026, menstrual pads, tampons, and menstrual cups.

(43) Merchandise that is subject to the Rental Purchase Agreement Occupation and Use Tax. The purchaser must certify that the item is purchased to be rented subject to a rental purchase agreement, as defined in the Rental Purchase Agreement Act, and provide proof of registration under the Rental Purchase Agreement Occupation and Use Tax Act. This paragraph is exempt from the provisions of Section 2-70.

(44) Qualified tangible personal property used in the construction or operation of a data center that has been granted a certificate of exemption by the Department of Commerce and Economic Opportunity, whether that tangible personal property is purchased by the owner, operator, or tenant of the data center or by a contractor or subcontractor of the owner, operator, or tenant. Data

centers that would have qualified for a certificate of exemption prior to January 1, 2020 had Public Act 101-31 ~~this amendatory Act of the 101st General Assembly~~ been in effect, may apply for and obtain an exemption for subsequent purchases of computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the original investment that would have qualified.

The Department of Commerce and Economic Opportunity shall grant a certificate of exemption under this item (44) to qualified data centers as defined by Section 605-1025 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

For the purposes of this item (44):

"Data center" means a building or a series of buildings rehabilitated or constructed to house working servers in one physical location or multiple sites within the State of Illinois.

"Qualified tangible personal property" means: electrical systems and equipment; climate control and chilling equipment and systems; mechanical systems and equipment; monitoring and secure systems; emergency generators; hardware; computers; servers; data storage devices; network connectivity equipment; racks;

cabinets; telecommunications cabling infrastructure; raised floor systems; peripheral components or systems; software; mechanical, electrical, or plumbing systems; battery systems; cooling systems and towers; temperature control systems; other cabling; and other data center infrastructure equipment and systems necessary to operate qualified tangible personal property, including fixtures; and component parts of any of the foregoing, including installation, maintenance, repair, refurbishment, and replacement of qualified tangible personal property to generate, transform, transmit, distribute, or manage electricity necessary to operate qualified tangible personal property; and all other tangible personal property that is essential to the operations of a computer data center. The term "qualified tangible personal property" also includes building materials physically incorporated into the qualifying data center. To document the exemption allowed under this Section, the retailer must obtain from the purchaser a copy of the certificate of eligibility issued by the Department of Commerce and Economic Opportunity.

This item (44) is exempt from the provisions of Section 2-70.

(45) Beginning January 1, 2020 and through December 31, 2020, sales of tangible personal property made by a

marketplace seller over a marketplace for which tax is due under this Act but for which use tax has been collected and remitted to the Department by a marketplace facilitator under Section 2d of the Use Tax Act are exempt from tax under this Act. A marketplace seller claiming this exemption shall maintain books and records demonstrating that the use tax on such sales has been collected and remitted by a marketplace facilitator. Marketplace sellers that have properly remitted tax under this Act on such sales may file a claim for credit as provided in Section 6 of this Act. No claim is allowed, however, for such taxes for which a credit or refund has been issued to the marketplace facilitator under the Use Tax Act, or for which the marketplace facilitator has filed a claim for credit or refund under the Use Tax Act.

(46) Beginning July 1, 2022, breast pumps, breast pump collection and storage supplies, and breast pump kits. This item (46) is exempt from the provisions of Section 2-70. As used in this item (46):

"Breast pump" means an electrically controlled or manually controlled pump device designed or marketed to be used to express milk from a human breast during lactation, including the pump device and any battery, AC adapter, or other power supply unit that is used to power the pump device and is packaged and sold with the pump device at the time of sale.

"Breast pump collection and storage supplies" means items of tangible personal property designed or marketed to be used in conjunction with a breast pump to collect milk expressed from a human breast and to store collected milk until it is ready for consumption.

"Breast pump collection and storage supplies" includes, but is not limited to: breast shields and breast shield connectors; breast pump tubes and tubing adapters; breast pump valves and membranes; backflow protectors and backflow protector adaptors; bottles and bottle caps specific to the operation of the breast pump; and breast milk storage bags.

"Breast pump collection and storage supplies" does not include: (1) bottles and bottle caps not specific to the operation of the breast pump; (2) breast pump travel bags and other similar carrying accessories, including ice packs, labels, and other similar products; (3) breast pump cleaning supplies; (4) nursing bras, bra pads, breast shells, and other similar products; and (5) creams, ointments, and other similar products that relieve breastfeeding-related symptoms or conditions of the breasts or nipples, unless sold as part of a breast pump kit that is pre-packaged by the breast pump manufacturer or distributor.

"Breast pump kit" means a kit that: (1) contains no more than a breast pump, breast pump collection and

storage supplies, a rechargeable battery for operating the breast pump, a breastmilk cooler, bottle stands, ice packs, and a breast pump carrying case; and (2) is pre-packaged as a breast pump kit by the breast pump manufacturer or distributor.

(47) ~~(46)~~ Tangible personal property sold by or on behalf of the State Treasurer pursuant to the Revised Uniform Unclaimed Property Act. This item (47) ~~(46)~~ is exempt from the provisions of Section 2-70.

(Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19; 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-634, eff. 8-27-21; 102-700, Article 70, Section 70-20, eff. 4-19-22; 102-700, Article 75, Section 75-20, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1026, eff. 5-27-22; revised 8-15-22.)

(35 ILCS 120/2-10)

Sec. 2-10. Rate of tax. Unless otherwise provided in this Section, the tax imposed by this Act is at the rate of 6.25% of gross receipts from sales of tangible personal property made in the course of business.

Beginning on July 1, 2000 and through December 31, 2000, with respect to motor fuel, as defined in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of the Use Tax Act, the tax is imposed at the rate of 1.25%.

Beginning on August 6, 2010 through August 15, 2010, and beginning again on August 5, 2022 through August 14, 2022,

with respect to sales tax holiday items as defined in Section 2-8 of this Act, the tax is imposed at the rate of 1.25%.

Within 14 days after July 1, 2000 (the effective date of Public Act 91-872) ~~this amendatory Act of the 91st General Assembly~~, each retailer of motor fuel and gasohol shall cause the following notice to be posted in a prominently visible place on each retail dispensing device that is used to dispense motor fuel or gasohol in the State of Illinois: "As of July 1, 2000, the State of Illinois has eliminated the State's share of sales tax on motor fuel and gasohol through December 31, 2000. The price on this pump should reflect the elimination of the tax." The notice shall be printed in bold print on a sign that is no smaller than 4 inches by 8 inches. The sign shall be clearly visible to customers. Any retailer who fails to post or maintain a required sign through December 31, 2000 is guilty of a petty offense for which the fine shall be $500 per day per each retail premises where a violation occurs.

With respect to gasohol, as defined in the Use Tax Act, the tax imposed by this Act applies to (i) 70% of the proceeds of sales made on or after January 1, 1990, and before July 1, 2003, (ii) 80% of the proceeds of sales made on or after July 1, 2003 and on or before July 1, 2017, and (iii) 100% of the proceeds of sales made thereafter. If, at any time, however, the tax under this Act on sales of gasohol, as defined in the Use Tax Act, is imposed at the rate of 1.25%, then the tax

imposed by this Act applies to 100% of the proceeds of sales of gasohol made during that time.

With respect to majority blended ethanol fuel, as defined in the Use Tax Act, the tax imposed by this Act does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2023 but applies to 100% of the proceeds of sales made thereafter.

With respect to biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by this Act applies to (i) 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2018 and (ii) 100% of the proceeds of sales made after December 31, 2018 and before January 1, 2024. On and after January 1, 2024 and on or before December 31, 2030, the taxation of biodiesel, renewable diesel, and biodiesel blends shall be as provided in Section 3-5.1 of the Use Tax Act. If, at any time, however, the tax under this Act on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by this Act applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time.

With respect to biodiesel, as defined in the Use Tax Act, and biodiesel blends, as defined in the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by this Act does not apply to the proceeds of sales made on or

after July 1, 2003 and on or before December 31, 2023. On and after January 1, 2024 and on or before December 31, 2030, the taxation of biodiesel, renewable diesel, and biodiesel blends shall be as provided in Section 3-5.1 of the Use Tax Act.

Until July 1, 2022 and beginning again on July 1, 2023, with respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption), the tax is imposed at the rate of 1%. Beginning July 1, 2022 and until July 1, 2023, with respect to food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption), the tax is imposed at the rate of 0%.

With respect to prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, blood sugar testing materials, syringes, and needles used by human diabetics, the tax is imposed at the rate of 1%. For the purposes of this Section,

until September 1, 2009: the term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including, but not limited to, soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container, regardless of size; but "soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50% or more natural fruit or vegetable juice.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does ~~do~~ not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

Until August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. Beginning August 1, 2009, and notwithstanding any other provisions of this Act, "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold

through a vending machine, except soft drinks, candy, and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "food for human consumption that is to be consumed off the premises where it is sold" does not include candy. For purposes of this Section, "candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation that contains flour or requires refrigeration.

Notwithstanding any other provisions of this Act, beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. For purposes of this Section, "grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter-drugs". For the purposes of this paragraph, "over-the-counter-drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 CFR ~~C.F.R. §~~ 201.66. The "over-the-counter-drug" label includes:

(A) a ~~A~~ "Drug Facts" panel; or

(B) a ~~A~~ statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

Beginning on January 1, 2014 (the effective date of Public Act 98-122) ~~this amendatory Act of the 98th General Assembly~~, "prescription and nonprescription medicines and drugs" includes medical cannabis purchased from a registered dispensing organization under the Compassionate Use of Medical Cannabis Program Act.

As used in this Section, "adult use cannabis" means cannabis subject to tax under the Cannabis Cultivation Privilege Tax Law and the Cannabis Purchaser Excise Tax Law and does not include cannabis subject to tax under the Compassionate Use of Medical Cannabis Program Act.

(Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19; 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-20, eff. 4-19-22; 102-700, Article 60, Section 60-30, eff. 4-19-22; 102-700, Article 65, Section 65-10, eff. 4-19-22; revised 6-1-22.)

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;

2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;

3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;

4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;

5. Deductions allowed by law;

6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed, including gross receipts on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) which were received during the preceding calendar month or quarter and upon which tax would have

been due but for the 0% rate imposed under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~;

7. The amount of credit provided in Section 2d of this Act;

8. The amount of tax due, including the amount of tax that would have been due on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) but for the 0% rate imposed under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

On and after January 1, 2018, except for returns required to be filed prior to January 1, 2023 for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act shall be filed electronically. On and after January 1, 2023, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act, including, but not limited to, returns for motor vehicles, watercraft, aircraft, and trailers that are required

to be registered with an agency of this State, shall be filed electronically. Retailers who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

Prior to October 1, 2003, and on and after September 1, 2004 a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 and on and after September 1, 2004 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to

September 1, 2004 shall be disallowed. Manufacturer's Purchase Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

Every person engaged in the business of selling aviation fuel at retail in this State during the preceding calendar month shall, instead of reporting and paying tax as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, retailers selling aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934, but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of

this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic means to each retailer listed on the monthly statement a report containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which the transaction occurred. The distributor, importing distributor, or manufacturer shall notify the retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the sales information. If the retailer is unable to receive the sales information by electronic means, the distributor, importing distributor, or

manufacturer shall furnish the sales information by personal delivery or by mail. For purposes of this paragraph, the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Notwithstanding any other provision of this Act to the contrary, retailers subject to tax on cannabis shall file all cannabis tax returns and shall make all cannabis tax payments by electronic means in the manner and form required by the Department.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax

liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the

requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and

substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, except as otherwise provided in this Section, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle

retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every person who is engaged in the business of leasing or renting such items and who, in connection with such business, sells any such item to a retailer for the purpose of resale is, notwithstanding any other provision of this Section to the contrary, authorized to meet the return-filing requirement of this Act by reporting the transfer of all the aircraft, watercraft, motor vehicles, or trailers transferred for resale during a month to the Department on the same uniform invoice-transaction reporting return form on or before the 20th of the month following the month in which the transfer takes place. Notwithstanding any other provision of this Act to the contrary, all returns filed

under this paragraph must be filed by electronic means in the manner and form as required by the Department.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance,

if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting

return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has

paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the

receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. On and after January 1, 2021, a certified service provider, as defined in the Leveling the Playing Field for Illinois Retail Act, filing the return under this Section on behalf of a remote retailer shall, at the time of such return, pay to the Department the amount of tax imposed by this Act less a discount of 1.75%. A remote retailer using a certified service provider to file a return on its

behalf, as provided in the Leveling the Playing Field for Illinois Retail Act, is not eligible for the discount. When determining the discount allowed under this Section, retailers shall include the amount of tax that would have been due at the 1% rate but for the 0% rate imposed under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~. When determining the discount allowed under this Section, retailers shall include the amount of tax that would have been due at the 6.25% rate but for the 1.25% rate imposed on sales tax holiday items under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~. The discount under this Section is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The discount allowed under this Section is allowed only for returns that are filed in the manner required by this Act. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the

average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount

of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the

month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. Quarter monthly payment status shall be determined under this paragraph as if the rate reduction to 0% in Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) had not occurred. For quarter monthly payments due under this paragraph on or after July 1, 2023 and through June 30, 2024, "25% of the taxpayer's liability for the same calendar month of the preceding year" shall be determined as if the rate reduction to 0% in Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~ had not occurred. Quarter monthly payment status shall be determined

under this paragraph as if the rate reduction to 1.25% in Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on sales tax holiday items had not occurred. For quarter monthly payments due on or after July 1, 2023 and through June 30, 2024, "25% of the taxpayer's liability for the same calendar month of the preceding year" shall be determined as if the rate reduction to 1.25% in Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on sales tax holiday items had not occurred. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete

calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to September 1, 1985 (the effective date of Public Act 84-221), each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or

in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less

than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's

2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month for which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax imposed under this Act.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate other than aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. If, in any

month, the tax on sales tax holiday items, as defined in Section 2-8, is imposed at the rate of 1.25%, then the Department shall pay 20% of the net revenue realized for that month from the 1.25% rate on the selling price of sales tax holiday items into the County and Mass Transit District Fund.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property other than aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

For aviation fuel sold on or after December 1, 2019, each month the Department shall pay into the State Aviation Program Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of aviation fuel, less an amount estimated by the Department to be required for refunds of the 20% portion of the tax on aviation fuel under this Act, which amount shall be deposited into the Aviation Fuel Sales Tax Refund Fund. The Department shall only pay moneys into the State Aviation Program Fund and the Aviation Fuel Sales Tax Refund Fund under this Act for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall

pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. If, in any month, the tax on sales tax holiday items, as defined in Section 2-8, is imposed at the rate of 1.25%, then the Department shall pay 80% of the net revenue realized for that month from the 1.25% rate on the selling price of sales tax holiday items into the Local Government Tax Fund.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act or the federal Clean Air Act, but the total payment into the Clean Air Act Permit Fund under this Act and the Use Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds

collected under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act,

Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	$54,800,000
1987	$76,650,000
1988	$80,480,000
1989	$88,510,000
1990	$115,330,000
1991	$145,470,000
1992	$182,730,000
1993	$206,520,000;

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act

Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build

Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of

the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000

2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	300,000,000
2022	300,000,000
2023	300,000,000
2024	300,000,000
2025	300,000,000
2026	300,000,000
2027	375,000,000
2028	375,000,000
2029	375,000,000
2030	375,000,000
2031	375,000,000
2032	375,000,000
2033	375,000,000
2034	375,000,000
2035	375,000,000
2036	450,000,000
and	
each fiscal year	
thereafter that bonds	

are outstanding under
Section 13.2 of the
Metropolitan Pier and
Exposition Authority Act,
but not after fiscal year 2060.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Capital Projects Fund, the Clean Air Act Permit Fund, the Build Illinois Fund, and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, for aviation fuel sold on or after December 1, 2019, the Department shall each month deposit into the Aviation Fuel Sales Tax Refund Fund an amount estimated by the Department to be required for refunds of the 80% portion of the tax on

aviation fuel under this Act. The Department shall only deposit moneys into the Aviation Fuel Sales Tax Refund Fund under this paragraph for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Subject to payments of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, beginning on July 1, 2018 the Department shall pay each month into the Downstate Public Transportation Fund the moneys required to be so paid under Section 2-3 of the

Downstate Public Transportation Act.

Subject to successful execution and delivery of a public-private agreement between the public agency and private entity and completion of the civic build, beginning on July 1, 2023, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, the Department shall deposit the following specified deposits in the aggregate from collections under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, as required under Section 8.25g of the State Finance Act for distribution consistent with the Public-Private Partnership for Civic and Transit Infrastructure Project Act. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act. As used in this paragraph, "civic build", "private entity", "public-private agreement", and "public agency" have the meanings provided in Section 25-10 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act.

Fiscal Year	Total Deposit
2024	$200,000,000
2025	$206,000,000
2026	$212,200,000

2027 ..... $218,500,000

2028 ..... $225,100,000

2029 ..... $288,700,000

2030 ..... $298,900,000

2031 ..... $309,300,000

2032 ..... $320,100,000

2033 ..... $331,200,000

2034 ..... $341,200,000

2035 ..... $351,400,000

2036 ..... $361,900,000

2037 ..... $372,800,000

2038 ..... $384,000,000

2039 ..... $395,500,000

2040 ..... $407,400,000

2041 ..... $419,600,000

2042 ..... $432,200,000

2043 ..... $445,100,000

Beginning July 1, 2021 and until July 1, 2022, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 16% of the net revenue realized from the taxes imposed on motor fuel and

gasohol. Beginning July 1, 2022 and until July 1, 2023, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 32% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2023 and until July 1, 2024, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 48% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2024 and until July 1, 2025, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount

estimated to represent 64% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning on July 1, 2025, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 80% of the net revenue realized from the taxes imposed on motor fuel and gasohol. As used in this paragraph "motor fuel" has the meaning given to that term in Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the meaning given to that term in Section 3-40 of the Use Tax Act.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State treasury ~~Treasury~~ and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement

of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as

any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for

overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible

personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

(Source: P.A. 101-10, Article 15, Section 15-25, eff. 6-5-19; 101-10, Article 25, Section 25-120, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19; 101-636, eff. 6-10-20; 102-634, eff. 8-27-21; 102-700, Article 60, Section 60-30, eff. 4-19-22; 102-700, Article 65, Section 65-10, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1019, eff. 1-1-23; revised 12-13-22.)

Section 215. The Property Tax Code is amended by changing Sections 10-390, 10-800, 15-168, 15-169, 18-185, 18-190.7, 22-10, and 22-25 as follows:

(35 ILCS 200/10-390)

Sec. 10-390. Valuation of supportive living facilities.

(a) Notwithstanding Section 1-55, to determine the fair cash value of any supportive living facility established under Section 5-5.01a of the Illinois Public Aid Code, in assessing the facility, a local assessment officer must use the income capitalization approach. For the purposes of this Section, gross potential income must not exceed the maximum individual Supplemental Security Income (SSI) amount, minus a resident's personal allowance as defined at 89 Ill. Adm. ~~Ill Admin.~~ Code 146.205, multiplied by the number of apartments authorized by the supportive living facility certification.

(b) When assessing supportive living facilities, the local assessment officer may not consider:

(1) payments from Medicaid for services provided to residents of supportive living facilities when such payments constitute income that is attributable to services and not attributable to the real estate; or

(2) payments by a resident of a supportive living facility for services that would be paid by Medicaid if the resident were Medicaid-eligible~~,~~ when such payments

constitute income that is attributable to services and not attributable to real estate.

(Source: P.A. 102-16, eff. 6-17-21; revised 2-28-22.)

(35 ILCS 200/10-800)

Sec. 10-800. Southland reactivation property.

(a) For the purposes of this Section:

"Base year" means the last tax year prior to the date of the application for southland reactivation designation during which the property was occupied and assessed and had an equalized assessed value.

"Cook County Land Bank Authority" means the Cook County Land Bank Authority created by ordinance of the Cook County Board.

"Municipality" means a city, village, or incorporated town located in the State.

"Participating entity" means any of the following, either collectively or individually: the municipality in which the property is located; the South Suburban Land Bank and Development Authority; or the Cook County Land Bank Development Authority.

"Southland reactivation property" means property that:

(1) has been designated by the municipality by resolution as a priority tax reactivation parcel, site, or property due to its clear pattern of stagnation and depressed condition or the decline in its assessed

valuation;

(2) is held by a participating entity; and

(3) meets all of the following criteria:

(A) the property is zoned for commercial or industrial use;

(B) the property has had its past property taxes cleared and is now classified as exempt, or the property has not had a lawful occupant for at least 12 months immediately preceding the application for certification as southland reactivation property, as attested to by a supporting affidavit;

(C) the sale or transfer of the property, following southland reactivation designation, to a developer would result in investment which would result a higher assessed value;

(D) the property will be sold by a participating entity to a buyer of property that has been approved by the corporate authorities of the municipality or to a developer that has been approved by the corporate authorities of the municipality whose redevelopment of the parcel, site, or property would reverse long-standing divestment in the area, enhance inclusive economic growth, create jobs or career pathways, support equitable recovery of the community, and stabilize the tax base through investments that align with local government plans and priorities;

(E) an application for southland reactivation designation is filed with the participating entity and a resolution designating the property as southland reactivation property is passed by the municipality prior to the sale, rehabilitation, or reoccupation;

(F) if not for the southland reactivation designation, development or redevelopment of the property would not occur; and

(G) the property is located in any of the following Townships in Cook County: Bloom, Bremen, Calumet, Rich, Thornton, or Worth.

"South Suburban Land Bank and Development Authority" means the South Suburban Land Bank and Development Authority created in 2012 by intergovernmental agreement.

"Tax year" means the calendar year for which assessed value is determined as of January 1 of that year.

(b) Within 5 years after May 27, 2022 (the effective date of Public Act 102-1010) ~~this amendatory Act of the 102nd General Assembly~~, purchasers of real property from any of the participating entities may apply to that entity to have the property certified as southland reactivation property if the property meets the criteria for southland reactivation property set forth in subsection (a). The participating entity has 5 years from May 27, 2022 (the effective date of Public Act 102-1010) ~~this amendatory Act of the 102nd General Assembly~~ within which it may certify the property as southland

reactivation property for the purposes of promoting rehabilitation of abandoned, vacant, or underutilized property to attract and enhance economic activities and investment that stabilize, restore, and grow the tax base in severely blighted areas within Chicago's south suburbs. This certification is nonrenewable and shall be transmitted by the municipality, or by the participating entity on behalf of the municipality, to the chief county assessment officer as soon as possible after the property is certified. Southland reactivation designation is limited to the original applicant unless expressly approved by the corporate authorities of the municipality and the property has no change in use.

Support by the corporate authorities of the municipality for southland reactivation designation shall be considered in a lawful public meeting, and impacted taxing districts shall receive notification of the agenda item to consider southland reactivation of the site not less than 15 days prior to that meeting.

(c) Beginning with the first tax year after the property is certified as southland reactivation property and continuing through the twelfth tax year after the property is certified as southland reactivation property, for the purpose of taxation under this Code, the property shall be valued at 50% of the base year equalized assessed value as established by the chief county assessment officer, excluding all years with property tax exemptions applied as a result of the

participating entity's ownership. For the first year after the property is certified as southland reactivation property, the aggregate property tax liability for the property shall be no greater than $100,000 per year. That aggregate property tax liability, once collected, shall be distributed to the taxing districts in which the property is located according to each taxing district's proportionate share of that aggregate liability. Beginning with the second tax year after the property is certified as southland reactivation property and continuing through the twelfth tax year after the property is certified as southland reactivation property, the property tax liability for the property for each taxing district in which the property is located shall be increased over the property tax liability for the property for the preceding year by 10%. In no event shall the purchaser's annual tax liability decrease.

(d) No later than March 1 of each year, the municipality or the participating entity on behalf of the municipality shall certify to the county clerk of the county in which the property is located a percentage southland reactivation reduction to be applied to property taxes for that calendar year, as provided in this Section.

(e) The participating entity shall collect the following information annually for the pilot program period: the number of program applicants; the street address of each certified property; the proposed use of certified properties; the amount

of investment; the number of jobs created as a result of the certification; and copies of the certification of each southland reactivation site to allow for the evaluation and assessment of the effectiveness of southland reactivation designation. The participating entity responsible for seeking the southland reactivation designation shall present this information to the governing body of each taxing district affected by a southland reactivation designation on an annual basis, and the participating entity shall report the above information to any requesting members of the General Assembly at the conclusion of the 5-year designation period.

(f) Any southland reactivation certification granted under this Section shall be void if the property is conveyed to an entity or person that is liable for any unpaid, delinquent property taxes associated with the property.

(Source: P.A. 102-1010, eff. 5-27-22; revised 9-7-22.)

(35 ILCS 200/15-168)

Sec. 15-168. Homestead exemption for persons with disabilities.

(a) Beginning with taxable year 2007, an annual homestead exemption is granted to persons with disabilities in the amount of $2,000, except as provided in subsection (c), to be deducted from the property's value as equalized or assessed by the Department of Revenue. The person with a disability shall receive the homestead exemption upon meeting the following

requirements:

(1) The property must be occupied as the primary residence by the person with a disability.

(2) The person with a disability must be liable for paying the real estate taxes on the property.

(3) The person with a disability must be an owner of record of the property or have a legal or equitable interest in the property as evidenced by a written instrument. In the case of a leasehold interest in property, the lease must be for a single family residence.

A person who has a disability during the taxable year is eligible to apply for this homestead exemption during that taxable year. Application must be made during the application period in effect for the county of residence. If a homestead exemption has been granted under this Section and the person awarded the exemption subsequently becomes a resident of a facility licensed under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act, then the exemption shall continue (i) so long as the residence continues to be occupied by the qualifying person's spouse or (ii) if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

(b) For the purposes of this Section, "person with a disability" means a person unable to engage in any substantial gainful activity by reason of a medically determinable

physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. Persons with disabilities filing claims under this Act shall submit proof of disability in such form and manner as the Department shall by rule and regulation prescribe. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability for purposes of this Act. Issuance of an Illinois Person with a Disability Identification Card stating that the claimant is under a Class 2 disability, as defined in Section 4A of the Illinois Identification Card Act, shall constitute proof that the person named thereon is a person with a disability for purposes of this Act. A person with a disability not covered under the Federal Social Security Act and not presenting an Illinois Person with a Disability Identification Card stating that the claimant is under a Class 2 disability shall be examined by a physician, optometrist (if the person qualifies because of a visual disability), advanced practice registered nurse, or physician assistant designated by the Department, and his status as a person with a disability determined using the same standards as used by the Social Security Administration. The costs of any required examination shall be borne by the claimant.

(c) For land improved with (i) an apartment building owned and operated as a cooperative or (ii) a life care facility as

defined under Section 2 of the Life Care Facilities Act that is considered to be a cooperative, the maximum reduction from the value of the property, as equalized or assessed by the Department, shall be multiplied by the number of apartments or units occupied by a person with a disability. The person with a disability shall receive the homestead exemption upon meeting the following requirements:

(1) The property must be occupied as the primary residence by the person with a disability.

(2) The person with a disability must be liable by contract with the owner or owners of record for paying the apportioned property taxes on the property of the cooperative or life care facility. In the case of a life care facility, the person with a disability must be liable for paying the apportioned property taxes under a life care contract as defined in Section 2 of the Life Care Facilities Act.

(3) The person with a disability must be an owner of record of a legal or equitable interest in the cooperative apartment building. A leasehold interest does not meet this requirement.

If a homestead exemption is granted under this subsection, the cooperative association or management firm shall credit the savings resulting from the exemption to the apportioned tax liability of the qualifying person with a disability. The chief county assessment officer may request reasonable proof

that the association or firm has properly credited the exemption. A person who willfully refuses to credit an exemption to the qualified person with a disability is guilty of a Class B misdemeanor.

(d) The chief county assessment officer shall determine the eligibility of property to receive the homestead exemption according to guidelines established by the Department. After a person has received an exemption under this Section, an annual verification of eligibility for the exemption shall be mailed to the taxpayer.

In counties with fewer than 3,000,000 inhabitants, the chief county assessment officer shall provide to each person granted a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the person's qualifying property. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay an administrative fee of $5 to the chief county assessment officer. The assessment officer shall then file the executed designation with the county collector, who shall issue the duplicate notices as indicated by the designation. A designation may be rescinded by the person with a disability in the manner required by the chief county assessment officer.

(d-5) Notwithstanding any other provision of law, each chief county assessment officer may approve this exemption for the 2020 taxable year, without application, for any property that was approved for this exemption for the 2019 taxable year, provided that:

(1) the county board has declared a local disaster as provided in the Illinois Emergency Management Agency Act related to the COVID-19 public health emergency;

(2) the owner of record of the property as of January 1, 2020 is the same as the owner of record of the property as of January 1, 2019;

(3) the exemption for the 2019 taxable year has not been determined to be an erroneous exemption as defined by this Code; and

(4) the applicant for the 2019 taxable year has not asked for the exemption to be removed for the 2019 or 2020 taxable years.

(d-10) Notwithstanding any other provision of law, each chief county assessment officer may approve this exemption for the 2021 taxable year, without application, for any property that was approved for this exemption for the 2020 taxable year, if:

(1) the county board has declared a local disaster as provided in the Illinois Emergency Management Agency Act related to the COVID-19 public health emergency;

(2) the owner of record of the property as of January

1, 2021 is the same as the owner of record of the property as of January 1, 2020;

(3) the exemption for the 2020 taxable year has not been determined to be an erroneous exemption as defined by this Code; and

(4) the taxpayer for the 2020 taxable year has not asked for the exemption to be removed for the 2020 or 2021 taxable years.

(d-15) For taxable years 2022 through 2027, in any county of more than 3,000,000 residents, and in any other county where the county board has authorized such action by ordinance or resolution, a chief county assessment officer may renew this exemption for any person who applied for the exemption and presented proof of eligibility, as described in subsection (b) ~~above~~, without an annual application as required under subsection (d) ~~above~~. A chief county assessment officer shall not automatically renew an exemption under this subsection if: the physician, advanced practice registered nurse, optometrist, or physician assistant who examined the claimant determined that the disability is not expected to continue for 12 months or more; the exemption has been deemed erroneous since the last application; or the claimant has reported their ineligibility to receive the exemption. A chief county assessment officer who automatically renews an exemption under this subsection shall notify a person of a subsequent determination not to automatically renew that person's

exemption and shall provide that person with an application to renew the exemption.

(e) A taxpayer who claims an exemption under Section 15-165 or 15-169 may not claim an exemption under this Section.

(Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21; 102-895, eff. 5-23-22; revised 9-7-22.)

(35 ILCS 200/15-169)

Sec. 15-169. Homestead exemption for veterans with disabilities.

(a) Beginning with taxable year 2007, an annual homestead exemption, limited to the amounts set forth in subsections (b) and (b-3), is granted for property that is used as a qualified residence by a veteran with a disability.

(b) For taxable years prior to 2015, the amount of the exemption under this Section is as follows:

(1) for veterans with a service-connected disability of at least (i) 75% for exemptions granted in taxable years 2007 through 2009 and (ii) 70% for exemptions granted in taxable year 2010 and each taxable year thereafter, as certified by the United States Department of Veterans Affairs, the annual exemption is $5,000; and

(2) for veterans with a service-connected disability of at least 50%, but less than (i) 75% for exemptions granted in taxable years 2007 through 2009 and (ii) 70%

for exemptions granted in taxable year 2010 and each taxable year thereafter, as certified by the United States Department of Veterans Affairs, the annual exemption is $2,500.

(b-3) For taxable years 2015 and thereafter:

(1) if the veteran has a service connected disability of 30% or more but less than 50%, as certified by the United States Department of Veterans Affairs, then the annual exemption is $2,500;

(2) if the veteran has a service connected disability of 50% or more but less than 70%, as certified by the United States Department of Veterans Affairs, then the annual exemption is $5,000;

(3) if the veteran has a service connected disability of 70% or more, as certified by the United States Department of Veterans Affairs, then the property is exempt from taxation under this Code; and

(4) for taxable year 2023 and thereafter, if the taxpayer is the surviving spouse of a veteran whose death was determined to be service-connected and who is certified by the United States Department of Veterans Affairs as a recipient of dependency and indemnity compensation under federal law, then the property is also exempt from taxation under this Code.

(b-5) If a homestead exemption is granted under this Section and the person awarded the exemption subsequently

becomes a resident of a facility licensed under the Nursing Home Care Act or a facility operated by the United States Department of Veterans Affairs, then the exemption shall continue (i) so long as the residence continues to be occupied by the qualifying person's spouse or (ii) if the residence remains unoccupied but is still owned by the person who qualified for the homestead exemption.

(c) The tax exemption under this Section carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon, and does not remarry. If the surviving spouse sells the property, an exemption not to exceed the amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

As used in this subsection (c):

(1) for taxable years prior to 2015, "surviving spouse" means the surviving spouse of a veteran who obtained an exemption under this Section prior to his or her death;

(2) for taxable years 2015 through 2022, "surviving spouse" means (i) the surviving spouse of a veteran who obtained an exemption under this Section prior to his or her death and (ii) the surviving spouse of a veteran who was killed in the line of duty at any time prior to the

expiration of the application period in effect for the exemption for the taxable year for which the exemption is sought; and

(3) for taxable year 2023 and thereafter, "surviving spouse" means: (i) the surviving spouse of a veteran who obtained the exemption under this Section prior to his or her death; (ii) the surviving spouse of a veteran who was killed in the line of duty at any time prior to the expiration of the application period in effect for the exemption for the taxable year for which the exemption is sought; (iii) the surviving spouse of a veteran who did not obtain an exemption under this Section before death, but who would have qualified for the exemption under this Section in the taxable year for which the exemption is sought if he or she had survived, and whose surviving spouse has been a resident of Illinois from the time of the veteran's death through the taxable year for which the exemption is sought; and (iv) the surviving spouse of a veteran whose death was determined to be service-connected, but who would not otherwise qualify under item ~~items~~ (i), (ii), or (iii), if the spouse (A) is certified by the United States Department of Veterans Affairs as a recipient of dependency and indemnity compensation under federal law at any time prior to the expiration of the application period in effect for the exemption for the taxable year for which the exemption is

sought and (B) remains eligible for that dependency and indemnity compensation as of January 1 of the taxable year for which the exemption is sought.

(c-1) Beginning with taxable year 2015, nothing in this Section shall require the veteran to have qualified for or obtained the exemption before death if the veteran was killed in the line of duty.

(d) The exemption under this Section applies for taxable year 2007 and thereafter. A taxpayer who claims an exemption under Section 15-165 or 15-168 may not claim an exemption under this Section.

(e) Except as otherwise provided in this subsection (e), each taxpayer who has been granted an exemption under this Section must reapply on an annual basis. Application must be made during the application period in effect for the county of his or her residence. The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire, or other reasonable methods. The determination must be made in accordance with guidelines established by the Department.

On and after May 23, 2022 (the effective date of Public Act 102-895) ~~this amendatory Act of the 102nd General Assembly~~, if a veteran has a combined service connected disability rating of 100% and is deemed to be permanently and totally disabled, as certified by the United States Department of Veterans

Affairs, the taxpayer who has been granted an exemption under this Section shall no longer be required to reapply for the exemption on an annual basis, and the exemption shall be in effect for as long as the exemption would otherwise be permitted under this Section.

(e-1) If the person qualifying for the exemption does not occupy the qualified residence as of January 1 of the taxable year, the exemption granted under this Section shall be prorated on a monthly basis. The prorated exemption shall apply beginning with the first complete month in which the person occupies the qualified residence.

(e-5) Notwithstanding any other provision of law, each chief county assessment officer may approve this exemption for the 2020 taxable year, without application, for any property that was approved for this exemption for the 2019 taxable year, provided that:

(1) the county board has declared a local disaster as provided in the Illinois Emergency Management Agency Act related to the COVID-19 public health emergency;

(2) the owner of record of the property as of January 1, 2020 is the same as the owner of record of the property as of January 1, 2019;

(3) the exemption for the 2019 taxable year has not been determined to be an erroneous exemption as defined by this Code; and

(4) the applicant for the 2019 taxable year has not

asked for the exemption to be removed for the 2019 or 2020 taxable years.

Nothing in this subsection shall preclude a veteran whose service connected disability rating has changed since the 2019 exemption was granted from applying for the exemption based on the subsequent service connected disability rating.

(e-10) Notwithstanding any other provision of law, each chief county assessment officer may approve this exemption for the 2021 taxable year, without application, for any property that was approved for this exemption for the 2020 taxable year, if:

(1) the county board has declared a local disaster as provided in the Illinois Emergency Management Agency Act related to the COVID-19 public health emergency;

(2) the owner of record of the property as of January 1, 2021 is the same as the owner of record of the property as of January 1, 2020;

(3) the exemption for the 2020 taxable year has not been determined to be an erroneous exemption as defined by this Code; and

(4) the taxpayer for the 2020 taxable year has not asked for the exemption to be removed for the 2020 or 2021 taxable years.

Nothing in this subsection shall preclude a veteran whose service connected disability rating has changed since the 2020 exemption was granted from applying for the exemption based on

the subsequent service connected disability rating.

(f) For the purposes of this Section:

"Qualified residence" means real property, but less any portion of that property that is used for commercial purposes, with an equalized assessed value of less than $250,000 that is the primary residence of a veteran with a disability. Property rented for more than 6 months is presumed to be used for commercial purposes.

"Veteran" means an Illinois resident who has served as a member of the United States Armed Forces on active duty or State active duty, a member of the Illinois National Guard, or a member of the United States Reserve Forces and who has received an honorable discharge.

(Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21; 102-895, eff. 5-23-22; revised 9-6-22.)

(35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate

of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general

obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform

Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (p) made for road purposes in the first year after a

township assumes the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of a road district abolished under the provisions of Section 6-133 of the Illinois Highway Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all

other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (h-8) made for payments of principal and interest on bonds issued under Section 9.6a of the Metropolitan Water Reclamation District Act to make contributions to the pension fund established under Article 13 of the Illinois Pension Code; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsections (h) and (h-8) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by

Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects and bonds issued under Section 20a of the Chicago Park District Act for the purpose of making contributions to the pension fund established under Article 12 of the Illinois Pension Code; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for persons with disabilities under subsection (c) of Section 7.06 of the Chicago Park District Act; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; (q) made by Ford Heights School District 169 under Section 17-9.02 of the School Code; and (r) made for the purpose of making employer contributions to the Public School Teachers'

Pension and Retirement Fund of Chicago under Section 34-53 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the

taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into

before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (m) made for the taxing district to pay interest or principal on general obligation bonds issued pursuant to Section 19-3.10 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 7, 1997 (the effective date of Public Act 89-718); (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 7, 1997 (the effective date of Public Act 89-718); (d) made for any taxing district to pay interest or principal on bonds issued

to refund or continue to refund bonds issued after March 7, 1997 (the effective date of Public Act 89-718) if the bonds were approved by referendum after March 7, 1997 (the effective date of Public Act 89-718); (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 7, 1997 (the effective date of Public Act 89-718) for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 7, 1997 (the effective date of Public Act 89-718) to pay for the building project; (g) made for payments due under installment contracts entered into before March 7, 1997 (the effective date of Public Act 89-718); (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay

interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in

1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). A debt service extension base established or increased at any time pursuant to any provision of this Law, except Section 18-212, shall be increased each year commencing with the later of (i) the 2009 levy year or (ii) the first levy year in which this Law becomes applicable to the taxing district, by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year. The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to

continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, 18-230, 18-206, and 18-233. Beginning with levy year 2022, for taxing districts that are specified in Section 18-190.7, the taxing district's aggregate extension base shall be calculated as provided in Section 18-190.7. An adjustment under Section 18-135 shall be made for the 2007 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall be equal to the amount that the

aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

Notwithstanding any other provision of law, for levy year 2012, the aggregate extension base for West Northfield School District No. 31 in Cook County shall be $12,654,592.

Notwithstanding any other provision of law, for levy year 2022, the aggregate extension base of a home equity assurance program that levied at least $1,000,000 in property taxes in levy year 2019 or 2020 under the Home Equity Assurance Act shall be the amount that the program's aggregate extension base for levy year 2021 would have been if the program had levied a property tax for levy year 2021.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real

estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value, and (iv) any increase in assessed value due to oil or gas production from an oil or gas well required to be permitted under the Hydraulic Fracturing Regulatory Act that was not produced in or accounted for during the previous levy year. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, previously established under the Economic Development Project Area Tax Increment Act of 1995, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount

equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, except for school districts that reduced their extension for educational

purposes pursuant to Section 18-206, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided. In the case of a taxing district that obtained referendum approval for an increased limiting rate on March 20, 2012, the limiting rate for tax year 2012 shall be the rate that generates the approximate total amount of taxes extendable for that tax year, as set forth in the proposition approved by the voters; this rate shall be the final rate applied by the county clerk for the aggregate of all capped funds of the district for tax year 2012.

(Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21; 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; 102-707, eff. 4-22-22; 102-813, eff. 5-13-22; 102-895, eff. 5-23-22; revised 8-29-22.)

(35 ILCS 200/18-190.7)

Sec. 18-190.7. Alternative aggregate extension base for certain taxing districts; recapture.

(a) This Section applies to the following taxing districts that are subject to this Division 5:

(1) school districts that have a designation of recognition or review according to the State Board of Education's School District Financial Profile System as of the first day of the levy year for which the taxing district seeks to increase its aggregate extension under this Section;

(2) park districts;

(3) library districts; and

(4) community college districts.

(b) Subject to the limitations of subsection (c), beginning in levy year 2022, a taxing district specified in subsection (a) may recapture certain levy amounts that are otherwise unavailable to the taxing district as a result of the taxing district not extending the maximum amount permitted under this Division 5 in a previous levy year. For that purpose, the taxing district's aggregate extension base shall be the greater of: (1) the taxing district's aggregate extension limit; or (2) the taxing district's last preceding aggregate extension, as adjusted under Sections 18-135, 18-215, 18-230, 18-206, and 18-233.

(c) Notwithstanding the provisions of this Section, the aggregate extension of a taxing district that uses an aggregate extension limit under this Section for a particular levy year may not exceed the taxing district's aggregate extension for the immediately preceding levy year by more than 5% unless the increase is approved by the voters under Section 18-205; however, if a taxing district is unable to recapture the entire unrealized levy amount in a single levy year due to the limitations of this subsection (c), the taxing district may increase its aggregate extension in each immediately succeeding levy year until the entire levy amount is recaptured, except that the increase in each succeeding levy year may not exceed the greater of (i) 5% or (ii) the increase approved by the voters under Section 18-205.

In order to be eligible for recapture under this Section, the taxing district must certify to the county clerk that the taxing district did not extend the maximum amount permitted under this Division 5 for a particular levy year. That certification must be made not more than 60 days after the taxing district files its levy ordinance or resolution with the county clerk for the levy year for which the taxing district did not extend the maximum amount permitted under this Division 5.

(d) As used in this Section, "aggregate extension limit" means the taxing district's last preceding aggregate extension if the district had utilized the maximum limiting rate

permitted without referendum for each of the 3 immediately preceding levy years, as adjusted under Sections ~~Section~~ 18-135, 18-215, 18-230, 18-206, and 18-233.

(Source: P.A. 102-895, eff. 5-23-22; revised 9-6-22.)

(35 ILCS 200/22-10)

Sec. 22-10. Notice of expiration of period of redemption. A purchaser or assignee shall not be entitled to a tax deed to the property sold unless, not less than 3 months nor more than 6 months prior to the expiration of the period of redemption, he or she gives notice of the sale and the date of expiration of the period of redemption to the owners, occupants, and parties interested in the property, including any mortgagee of record, as provided below. ~~the~~

The Notice to be given to the parties shall be in at least 10-point ~~10 point~~ type in the following form completely filled in:

TAX DEED NO. ..... FILED .....

TAKE NOTICE

County of .....

Date Premises Sold .....

Certificate No. .....

Sold for General Taxes of (year) .....

Sold for Special Assessment of (Municipality)

and special assessment number .....

Warrant No. ..... Inst. No. .....

THIS PROPERTY HAS BEEN SOLD FOR

DELINQUENT TAXES

Property located at .....

Legal Description or Property Index No. .....

.....

.....

This notice is to advise you that the above property has been sold for delinquent taxes and that the period of redemption from the sale will expire on .....

.....

The amount to redeem is subject to increase at 6 month intervals from the date of sale and may be further increased if the purchaser at the tax sale or his or her assignee pays any subsequently accruing taxes or special assessments to redeem the property from subsequent forfeitures or tax sales. Check with the county clerk as to the exact amount you owe before redeeming.

This notice is also to advise you that a petition has been filed for a tax deed which will transfer title and the right to possession of this property if redemption is not made on or before .....

This matter is set for hearing in the Circuit Court of this county in ...., Illinois on .....

You may be present at this hearing but your right to redeem will already have expired at that time.

YOU ARE URGED TO REDEEM IMMEDIATELY

TO PREVENT LOSS OF PROPERTY

Redemption can be made at any time on or before .... by applying to the County Clerk of ...., County, Illinois at the Office of the County Clerk in ...., Illinois.

For further information contact the County Clerk

ADDRESS:.....

TELEPHONE:.....

.....

Purchaser or Assignee.

Dated (insert date).

In counties with 3,000,000 or more inhabitants, the notice shall also state the address, room number, and time at which the matter is set for hearing.

The changes to this Section made by Public Act 97-557 apply only to matters in which a petition for tax deed is filed on or after July 1, 2012 (the effective date of Public Act 97-557).

The changes to this Section made by Public Act 102-1003 ~~this amendatory Act of the 102nd General Assembly~~ apply to matters in which a petition for tax deed is filed on or after May 27, 2022 (the effective date of Public Act 102-1003) ~~this amendatory Act of the 102nd General Assembly~~. Failure of any party or any public official to comply with the changes made to this Section by Public Act 102-528 does not invalidate any tax

deed issued prior to May 27, 2022 (the effective date of Public Act 102-1003) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-528, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1003, eff. 5-27-22; revised 9-1-22.)

(35 ILCS 200/22-25)

Sec. 22-25. Mailed notice. In addition to the notice required to be served not less than one month nor more than 6 months prior to the expiration of the period of redemption, the purchaser or his or her assignee shall prepare and deliver to the clerk of the Circuit Court of the county in which the property is located, not more than 6 months and not less than 111 days prior to the expiration of the period of redemption, the notice provided for in this Section, together with the statutory costs for mailing the notice by certified mail, return receipt requested. The form of notice to be mailed by the clerk shall be identical in form to that provided by Section 22-10 for service upon owners residing upon the property sold, except that it shall bear the signature of the clerk instead of the name of the purchaser or assignee and shall designate the parties to whom it is to be mailed. The clerk may furnish the form. The clerk shall mail the notices delivered to him or her by certified mail, return receipt requested, not less than 3 months prior to the expiration of the period of redemption. The certificate of the clerk that he

or she has mailed the notices, together with the return receipts, shall be filed in and made a part of the court record. The notices shall be mailed to the owners of the property at their last known addresses, and to those persons who are entitled to service of notice as occupants.

The changes to this Section made by Public Act 97-557 ~~this amendatory Act of the 97th General Assembly~~ shall be construed as being declaratory of existing law and not as a new enactment.

The changes to this Section made by Public Act 102-1003 ~~this amendatory Act of the 102nd General Assembly~~ apply to matters in which a petition for tax deed is filed on or after May 27, 2022 (the effective date of Public Act 102-1003) ~~this amendatory Act of the 102nd General Assembly~~. Failure of any party or any public official to comply with the changes made to this Section by Public Act 102-528 does not invalidate any tax deed issued prior to May 27, 2022 (the effective date of Public Act 102-1003) ~~this amendatory Act of the 102nd General Assembly~~.

(Source: P.A. 102-528, eff. 1-1-22; 102-815, eff. 5-13-22; 102-1003, eff. 5-27-22; revised 8-12-22.)

Section 220. The Parking Excise Tax Act is amended by changing Section 10-20 as follows:

(35 ILCS 525/10-20)

Sec. 10-20. Exemptions. The tax imposed by this Act shall not apply to:

(1) Parking in a parking area or garage operated by the federal government or its instrumentalities that has been issued an active tax exemption number by the Department under Section 1g of the Retailers' Occupation Tax Act; for this exemption to apply, the parking area or garage must be operated by the federal government or its instrumentalities; the exemption under this paragraph (1) does not apply if the parking area or garage is operated by a third party, whether under a lease or other contractual arrangement, or any other manner whatsoever.

(2) Residential off-street parking for home or apartment tenants or condominium occupants, if the arrangement for such parking is provided in the home or apartment lease or in a separate writing between the landlord and tenant, or in a condominium agreement between the condominium association and the owner, occupant, or guest of a unit, whether the parking charge is payable to the landlord, condominium association, or to the operator of the parking spaces.

(3) Parking by hospital employees in a parking space that is owned and operated by the hospital for which they work.

(4) Parking in a parking area or garage where 3 or fewer motor vehicles are stored, housed, or parked for

hire, charge, fee, or other valuable consideration, if the operator of the parking area or garage does not act as the operator of more than a total of 3 parking spaces located in the State; if any operator of parking areas or garages, including any facilitator or aggregator, acts as an operator of more than 3 parking spaces in total that are located in the State, then this exemption shall not apply to any of those spaces.

(5) For the duration of the Illinois State Fair or the DuQuoin State Fair, parking in a parking area or garage operated for the use of attendees, vendors, or employees of the State Fair and not otherwise subject to taxation under this Act in the ordinary course of business.

(6) Parking in a parking area or garage operated by the State, a State university created by statute, or a unit of local government that has been issued an active tax exemption number by the Department under Section 1g of the Retailers' Occupation Tax Act; the parking area or garage must be operated by the State, State university, or unit of local government; the exemption under this paragraph does not apply if the parking area or garage is operated by a third party, whether under a lease or other contractual arrangement, or held in any other manner, unless the parking area or garage is exempt under paragraph (5).

(7) Parking in a parking area or garage owned and

operated by a person engaged in the business of renting real estate if the parking area or garage is used by the lessee to park motor vehicles, recreational vehicles, or self-propelled vehicles for the lessee's own use and not for the purpose of subleasing parking spaces for consideration.

(8) The purchase of a parking space by the State, a State university created by statute, or a unit of local government that has been issued an active tax exemption number by the Department under Section 1g of the Retailers' Occupation Tax Act, for use by employees of the State, State university, or unit of local government, provided that the purchase price is paid directly by the governmental entity.

(9) Parking in a parking space leased to a governmental entity that is exempt pursuant to paragraph (1) or (6) when the exempt entity rents or leases the parking spaces in the parking area or garage to the public; the purchase price must be paid by the governmental entity; the exempt governmental entity is exempt from collecting tax subject to the provisions of paragraph (1) or (6), as applicable, when renting or leasing the parking spaces to the public.

(Source: P.A. 101-31, eff. 6-28-19; 102-920, eff. 5-27-22; revised 9-6-22.)

Section 225. The Illinois Pension Code is amended by changing Sections 7-144, 16-203, and 17-149 as follows:

(40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

Sec. 7-144. Retirement annuities; suspended ~~annuities suspended~~ during employment.

(a) If any person receiving any annuity again becomes an employee and receives earnings from employment in a position requiring him, or entitling him to elect, to become a participating employee, then the annuity payable to such employee shall be suspended as of the first ~~1st~~ day of the month coincidental with or next following the date upon which such person becomes such an employee, unless the person is authorized under subsection (b) of Section 7-137.1 of this Code to continue receiving a retirement annuity during that period. Upon proper qualification of the participating employee payment of such annuity may be resumed on the first ~~1st~~ day of the month following such qualification and upon proper application therefor. The participating employee in such case shall be entitled to a supplemental annuity arising from service and credits earned subsequent to such re-entry as a participating employee.

Notwithstanding any other provision of this Article, an annuitant shall be considered a participating employee if he or she returns to work as an employee with a participating employer and works more than 599 hours annually (or 999 hours

annually with a participating employer that has adopted a resolution pursuant to subsection (e) of Section 7-137 of this Code). Each of these annual periods shall commence on the month and day upon which the annuitant is first employed with the participating employer following the effective date of the annuity.

(a-5) If any annuitant under this Article must be considered a participating employee per the provisions of subsection (a) of this Section, and the participating municipality or participating instrumentality that employs or re-employs that annuitant knowingly fails to notify the Board to suspend the annuity, the participating municipality or participating instrumentality may be required to reimburse the Fund for an amount up to one-half of the total of any annuity payments made to the annuitant after the date the annuity should have been suspended, as determined by the Board. In no case shall the total amount repaid by the annuitant plus any amount reimbursed by the employer to the Fund be more than the total of all annuity payments made to the annuitant after the date the annuity should have been suspended. This subsection shall not apply if the annuitant returned to work for the employer for less than 12 months.

The Fund shall notify all annuitants that they must notify the Fund immediately if they return to work for any participating employer. The notification by the Fund shall occur upon retirement and no less than annually thereafter in

a format determined by the Fund. The Fund shall also develop and maintain a system to track annuitants who have returned to work and notify the participating employer and annuitant at least annually of the limitations on returning to work under this Section.

(b) Supplemental annuities to persons who return to service for less than 48 months shall be computed under the provisions of Sections 7-141, 7-142, and 7-143. In determining whether an employee is eligible for an annuity which requires a minimum period of service, his entire period of service shall be taken into consideration but the supplemental annuity shall be based on earnings and service in the supplemental period only. The effective date of the suspended and supplemental annuity for the purpose of increases after retirement shall be considered to be the effective date of the suspended annuity.

(c) Supplemental annuities to persons who return to service for 48 months or more shall be a monthly amount determined as follows:

(1) An amount shall be computed under subparagraph b of paragraph (1) of subsection (a) of Section 7-142, considering all of the service credits of the employee.

(2) The actuarial value in monthly payments for life of the annuity payments made before suspension shall be determined and subtracted from the amount determined in paragraph (1) above.

(3) The monthly amount of the suspended annuity, with any applicable increases after retirement computed from the effective date to the date of reinstatement, shall be subtracted from the amount determined in paragraph (2) above and the remainder shall be the amount of the supplemental annuity provided that this amount shall not be less than the amount computed under subsection (b) of this Section.

(4) The suspended annuity shall be reinstated at an amount including any increases after retirement from the effective date to date of reinstatement.

(5) The effective date of the combined suspended and supplemental annuities for the purposes of increases after retirement shall be considered to be the effective date of the supplemental annuity.

(d) If a Tier 2 regular employee becomes a member or participant under any other system or fund created by this Code and is employed on a full-time basis, except for those members or participants exempted from the provisions of subsection (a) of Section 1-160 of this Code (other than a participating employee under this Article), then the person's retirement annuity shall be suspended during that employment. Upon termination of that employment, the person's retirement annuity shall resume and be recalculated as required by this Section.

(e) If a Tier 2 regular employee first began participation

on or after January 1, 2012 and is receiving a retirement annuity and accepts on a contractual basis a position to provide services to a governmental entity from which he or she has retired, then that person's annuity or retirement pension shall be suspended during that contractual service, notwithstanding the provisions of any other Section in this Article. Such annuitant shall notify the Fund, as well as his or her contractual employer, of his or her retirement status before accepting contractual employment. A person who fails to submit such notification shall be guilty of a Class A misdemeanor and required to pay a fine of $1,000. Upon termination of that contractual employment, the person's retirement annuity shall resume and be recalculated as required by this Section.

(Source: P.A. 102-210, eff. 1-1-22; revised 8-19-22.)

(40 ILCS 5/16-203)

Sec. 16-203. Application and expiration of new benefit increases.

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after June 1, 2005 (the effective date of Public Act 94-4). "New benefit increase", however, does not include any benefit increase resulting from

the changes made to Article 1 or this Article by Public Act 95-910, Public Act 100-23, Public Act 100-587, Public Act 100-743, Public Act 100-769, Public Act 101-10, Public Act 101-49, Public Act 102-16, or Public Act 102-871 ~~Public Act 102-16 this amendatory Act of the 102nd General Assembly~~.

(b) Notwithstanding any other provision of this Code or any subsequent amendment to this Code, every new benefit increase is subject to this Section and shall be deemed to be granted only in conformance with and contingent upon compliance with the provisions of this Section.

(c) The Public Act enacting a new benefit increase must identify and provide for payment to the System of additional funding at least sufficient to fund the resulting annual increase in cost to the System as it accrues.

Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection. The Commission on Government Forecasting and Accountability shall analyze whether adequate additional funding has been provided for the new benefit increase and shall report its analysis to the Public Pension Division of the Department of Insurance. A new benefit increase created by a Public Act that does not include the additional funding required under this subsection is null and void. If the Public Pension Division determines that the additional funding provided for a new benefit increase under this subsection is or has become inadequate, it may so certify to the Governor and

the State Comptroller and, in the absence of corrective action by the General Assembly, the new benefit increase shall expire at the end of the fiscal year in which the certification is made.

(d) Every new benefit increase shall expire 5 years after its effective date or on such earlier date as may be specified in the language enacting the new benefit increase or provided under subsection (c). This does not prevent the General Assembly from extending or re-creating a new benefit increase by law.

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including, without limitation, a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

(Source: P.A. 101-10, eff. 6-5-19; 101-49, eff. 7-12-19; 101-81, eff. 7-12-19; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-871, eff. 5-13-22; revised 7-26-22.)

(40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

Sec. 17-149. Cancellation of pensions.

(a) If any person receiving a disability retirement pension from the Fund is re-employed as a teacher by an Employer, the pension shall be cancelled on the date the re-employment begins, or on the first day of a payroll period for which service credit was validated, whichever is earlier.

(b) If any person receiving a service retirement pension from the Fund is re-employed as a teacher on a permanent or annual basis by an Employer, the pension shall be cancelled on the date the re-employment begins, or on the first day of a payroll period for which service credit was validated, whichever is earlier. However, subject to the limitations and requirements of subsection ~~subsections~~ (c-5) ~~or (c-10)~~, (c-6), ~~and~~ (c-7), or (c-10), the pension shall not be cancelled in the case of a service retirement pensioner who is re-employed on a temporary and non-annual basis or on an hourly basis.

(c) If the date of re-employment on a permanent or annual basis occurs within 5 school months after the date of previous retirement, exclusive of any vacation period, the member shall be deemed to have been out of service only temporarily and not permanently retired. Such person shall be entitled to pension payments for the time he could have been employed as a teacher and received salary, but shall not be entitled to pension for or during the summer vacation prior to his return to service.

When the member again retires on pension, the time of service and the money contributed by him during re-employment

shall be added to the time and money previously credited. Such person must acquire 3 consecutive years of additional contributing service before he may retire again on a pension at a rate and under conditions other than those in force or attained at the time of his previous retirement.

(c-5) For school years beginning on or after July 1, 2019 and before July 1, 2022, the service retirement pension shall not be cancelled in the case of a service retirement pensioner who is re-employed as a teacher on a temporary and non-annual basis or on an hourly basis, so long as the person (1) does not work as a teacher for compensation on more than 120 days in a school year or (2) does not accept gross compensation for the re-employment in a school year in excess of (i) $30,000 or (ii) in the case of a person who retires with at least 5 years of service as a principal, an amount that is equal to the daily rate normally paid to retired principals multiplied by 100. These limitations apply only to school years that begin on or after July 1, 2019 and before July 1, 2022. Such re-employment does not require contributions, result in service credit, or constitute active membership in the Fund.

The service retirement pension shall not be cancelled in the case of a service retirement pensioner who is re-employed as a teacher on a temporary and non-annual basis or on an hourly basis, so long as the person (1) does not work as a teacher for compensation on more than 100 days in a school year or (2) does not accept gross compensation for the

re-employment in a school year in excess of (i) $30,000 or (ii) in the case of a person who retires with at least 5 years of service as a principal, an amount that is equal to the daily rate normally paid to retired principals multiplied by 100. These limitations apply only to school years that begin on or after August 8, 2012 (the effective date of Public Act 97-912) and before July 1, 2019. Such re-employment does not require contributions, result in service credit, or constitute active membership in the Fund.

Notwithstanding the 120-day limit set forth in item (1) of this subsection (c-5), the service retirement pension shall not be cancelled in the case of a service retirement pensioner who teaches only driver education courses after regular school hours and does not teach any other subject area, so long as the person does not work as a teacher for compensation for more than 900 hours in a school year. The $30,000 limit set forth in subitem (i) of item (2) of this subsection (c-5) shall apply to a service retirement pensioner who teaches only driver education courses after regular school hours and does not teach any other subject area.

To be eligible for such re-employment without cancellation of pension, the pensioner must notify the Fund and the Board of Education of his or her intention to accept re-employment under this subsection (c-5) before beginning that re-employment (or if the re-employment began before August 8, 2012 (the effective date of Public Act 97-912) ~~this amendatory~~

~~Act~~, then within 30 days after that effective date).

An Employer must certify to the Fund the temporary and non-annual or hourly status and the compensation of each pensioner re-employed under this subsection at least quarterly, and when the pensioner is approaching the earnings limitation under this subsection.

If the pensioner works more than 100 days or accepts excess gross compensation for such re-employment in any school year that begins on or after August 8, 2012 (the effective date of Public Act 97-912), the service retirement pension shall thereupon be cancelled.

If the pensioner who only teaches drivers education courses after regular school hours works more than 900 hours or accepts excess gross compensation for such re-employment in any school year that begins on or after August 12, 2016 (the effective date of Public Act 99-786) ~~this amendatory Act of the 99th General Assembly~~, the service retirement pension shall thereupon be cancelled.

If the pensioner works more than 120 days or accepts excess gross compensation for such re-employment in any school year that begins on or after July 1, 2019, the service retirement pension shall thereupon be cancelled.

The Board of the Fund shall adopt rules for the implementation and administration of this subsection.

(c-6) For school years beginning on or after July 1, 2022 and before July 1, 2024, the service retirement pension shall

not be cancelled in the case of a service retirement pensioner who is re-employed as a teacher or an administrator on a temporary and non-annual basis or on an hourly basis ~~bases~~, so long as the person does not work as a teacher or an administrator for compensation on more than 140 days in a school year. Such re-employment does not require contributions, result in service credit, or constitute active membership in the Fund.

(c-7) For school years beginning on or after July 1, 2024, the service retirement pension shall not be cancelled in the case of a service retirement pensioner who is re-employed as a teacher or an administrator on a temporary and non-annual basis or on an hourly basis, so long as the person does not work as a teacher or an administrator for compensation on more than 120 days in a school year. Such re-employment does not require contributions, result in service credit, or constitute active membership in the Fund.

(c-10) Until June 30, 2024, the service retirement pension of a service retirement pensioner shall not be cancelled if the service retirement pensioner is employed in a subject shortage area and the Employer that is employing the service retirement pensioner meets the following requirements:

(1) If the Employer has honorably dismissed, within the calendar year preceding the beginning of the school term for which it seeks to employ a service retirement pensioner under this subsection, any teachers who are

legally qualified to hold positions in the subject shortage area and have not yet begun to receive their service retirement pensions under this Article, the vacant positions must first be tendered to those teachers.

(2) For a period of at least 90 days during the 6 months preceding the beginning of either the fall or spring term for which it seeks to employ a service retirement pensioner under this subsection, the Employer must, on an ongoing basis, (i) advertise its vacancies in the subject shortage area in employment bulletins published by college and university placement offices located near the school; (ii) search for teachers legally qualified to fill those vacancies through the Illinois Education Job Bank; and (iii) post all vacancies on the Employer's website and list the vacancy in an online job portal or database.

An Employer of a teacher who is unable to continue employment with the Employer because of documented illness, injury, or disability that occurred after being hired by the Employer under this subsection is exempt from the provisions of paragraph (2) for 90 school days. However, the Employer must on an ongoing basis comply with items (i), (ii), and (iii) of paragraph (2).

The Employer must submit documentation of its compliance with this subsection to the regional superintendent. Upon receiving satisfactory documentation from the Employer, the

regional superintendent shall certify the Employer's compliance with this subsection to the Fund.

(d) Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section made by Public Act 90-32 apply without regard to whether termination of service occurred before the effective date of that Act and apply retroactively to August 23, 1989.

Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section and Section 17-106 made by Public Act 92-599 apply without regard to whether termination of service occurred before June 28, 2002 (the effective date of Public Act 92-599) ~~that Act~~.

Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section made by Public Act 97-912 ~~this amendatory Act of the 97th General Assembly~~ apply without regard to whether termination of service occurred before August 8, 2012 (the effective date of Public Act 97-912) ~~this amendatory Act~~.

(Source: P.A. 101-340, eff. 8-9-19; 102-1013, eff. 5-27-22; 102-1090, eff. 6-10-22; revised 7-27-22.)

Section 230. The Public Building Commission Act is amended by changing Section 3 as follows:

(50 ILCS 20/3) (from Ch. 85, par. 1033)

Sec. 3. The following terms, wherever used, or referred to in this Act, mean unless the context clearly requires a

different meaning:

(a) "Commission" means a Public Building Commission created pursuant to this Act.

(b) "Commissioner" or "Commissioners" means a Commissioner or Commissioners of a Public Building Commission.

(c) "County seat" means a city, village, or town which is the county seat of a county.

(d) "Municipality" means any city, village, or incorporated town of the State of Illinois.

(e) "Municipal corporation" includes a county, city, village, town, (including a county seat), park district, school district in a county of 3,000,000 or more population, board of education of a school district in a county of 3,000,000 or more population, sanitary district, airport authority contiguous with the County Seat as of July 1, 1969, and any other municipal body or governmental agency of the State, and, until July 1, 2011, a school district that (i) was organized prior to 1860, (ii) is located in part in a city originally incorporated prior to 1840, and (iii) entered into a lease with a Commission prior to 1993, and its board of education, but does not include a school district in a county of less than 3,000,000 population, a board of education of a school district in a county of less than 3,000,000 population, or a community college district in a county of less than

3,000,000 population, except that, until July 1, 2011, a school district that (i) was organized prior to 1860, (ii) is located in part in a city originally incorporated prior to 1840, and (iii) entered into a lease with a Commission prior to 1993, and its board of education, are included.

(f) "Governing body" includes a city council, county board, or any other body or board, by whatever name it may be known, charged with the governing of a municipal corporation.

(g) "Presiding officer" includes the mayor or president of a city, village, or town, the presiding officer of a county board, or the presiding officer of any other board or commission, as the case may be.

(h) "Oath" means oath or affirmation.

(i) "Building" means an improvement to real estate to be made available for use by a municipal corporation for the furnishing of governmental services to its citizens, together with any land or interest in land necessary or useful in connection with the improvement.

(j) "Delivery system" means the design and construction approach used to develop and construct a project.

(k) "Design-bid-build" means the traditional delivery system used on public projects that incorporates the Local Government Professional Services Selection Act ~~(50 ILCS 510/)~~ and the principles of competitive selection.

(l) "Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying, and related services as required, and the labor, materials, equipment, and other construction services for the project.

(m) "Design-build contract" means a contract for a public project under this Act between the Commission and a design-build entity to furnish architecture, engineering, land surveying, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the Commission to make modifications in the project scope without invalidating the design-build contract.

(n) "Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.

(o) "Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act of 1989 ~~(225 ILCS 305/)~~, the Professional Engineering Practice Act of 1989 ~~(225 ILCS 325/)~~, the Structural Engineering Practice ~~Licensing~~ Act of 1989 ~~(225 ILCS 340/)~~, or the Illinois Professional Land Surveyor Act of 1989 ~~(225 ILCS 330/)~~.

(p) "Evaluation criteria" means the requirements for the separate phases of the selection process for design-build proposals as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

(q) "Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Act.

(r) "Request for proposal" means the document used by the Commission to solicit proposals for a design-build contract.

(s) "Scope and performance criteria" means the requirements for the public project, including, but not

limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

(t) "Guaranteed maximum price" means a form of contract in which compensation may vary according to the scope of work involved but in any case may not exceed an agreed total amount.

Definitions in this Section with respect to design-build shall have no effect beginning on June 1, 2023; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective. The actions of any person or entity taken on or after June 1, 2013 and before January 7, 2014 (the effective date of Public Act 98-619) ~~this amendatory Act of the 98th General Assembly~~ in reliance on the provisions of this Section with respect to design-build continuing to be effective are hereby validated.

(Source: P.A. 100-736, eff. 1-1-19; revised 8-23-22.)

Section 235. The Illinois Police Training Act is amended by changing Sections 7, 8.1, 10.6, and 10.19 as follows:

(50 ILCS 705/7)

(Text of Section before amendment by P.A. 102-982)

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following:

a. The curriculum for probationary law enforcement officers which shall be offered by all certified schools shall include, but not be limited to, courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, crisis intervention training, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans, first-aid (including cardiopulmonary resuscitation), training in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Substance Use Disorder Act,

handling of juvenile offenders, recognition of mental conditions and crises, including, but not limited to, the disease of addiction, which require immediate assistance and response and methods to safeguard and provide assistance to a person in need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural perceptions and common myths of sexual assault and sexual abuse as well as interview techniques that are age sensitive and are trauma informed, victim centered, and victim sensitive. The curriculum shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. The curriculum shall also include training in effective recognition of and responses to stress, trauma, and post-traumatic stress

experienced by law enforcement officers that is consistent with Section 25 of the Illinois Mental Health First Aid Training Act in a peer setting, including recognizing signs and symptoms of work-related cumulative stress, issues that may lead to suicide, and solutions for intervention with peer support resources. The curriculum shall include a block of instruction addressing the mandatory reporting requirements under the Abused and Neglected Child Reporting Act. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum shall include training in the detection and investigation of all forms of human trafficking. The curriculum shall also include instruction in trauma-informed responses designed to ensure the physical safety and well-being of a child of an arrested parent or immediate family member; this instruction must include, but is not limited to: (1) understanding the trauma experienced by the child while maintaining the integrity of the arrest and safety of officers, suspects, and other involved individuals; (2) de-escalation tactics that would include the use of force

when reasonably necessary; and (3) inquiring whether a child will require supervision and care. The curriculum for probationary law enforcement officers shall include: (1) at least 12 hours of hands-on, scenario-based role-playing; (2) at least 6 hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; (3) specific training on officer safety techniques, including cover, concealment, and time; and (4) at least 6 hours of training focused on high-risk traffic stops. The curriculum for permanent law enforcement officers shall include, but not be limited to: (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board. The training in the use of electronic control devices shall be conducted for probationary law enforcement officers, including University police officers. The curriculum shall also include training on the use of a firearms restraining order by providing instruction on the process used to file a firearms restraining order and how to identify situations in which a firearms restraining order is appropriate.

b. Minimum courses of study, attendance requirements and equipment requirements.

c. Minimum requirements for instructors.

d. Minimum basic training requirements, which a probationary law enforcement officer must satisfactorily complete before being eligible for permanent employment as a local law enforcement officer for a participating local governmental or State governmental agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation).

e. Minimum basic training requirements, which a probationary county corrections officer must satisfactorily complete before being eligible for permanent employment as a county corrections officer for a participating local governmental agency.

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency. The Board shall establish those training requirements which it considers appropriate for court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to the officer's successful completion of the training

course; (ii) attesting to the officer's satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.

Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685). Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.

All individuals hired as court security officers on or after June 1, 1997 (the effective date of Public Act 89-685) shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission

exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

g. Minimum in-service training requirements, which a law enforcement officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, reporting child abuse and neglect, and cultural competency, including implicit bias and racial and ethnic sensitivity. These trainings shall consist of at least 30 hours of training every 3 years.

h. Minimum in-service training requirements, which a law enforcement officer must satisfactorily complete at least annually. Those requirements shall include law updates, emergency medical response training and certification, crisis intervention training, and officer wellness and mental health.

i. Minimum in-service training requirements as set forth in Section 10.6.

~~The amendatory changes to this Section made by Public Act 101-652 shall take effect January 1, 2022.~~

Notwithstanding any provision of law to the contrary, the changes made to this Section by ~~this amendatory Act of the 102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act 102-28, and Public Act 102-694 take effect July 1, 2022.

(Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff. 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; revised 8-11-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following:

a. The curriculum for probationary law enforcement officers which shall be offered by all certified schools shall include, but not be limited to, courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, crisis intervention training, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and crash investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control

devices, including the psychological and physiological effects of the use of those devices on humans, first-aid (including cardiopulmonary resuscitation), training in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Substance Use Disorder Act, handling of juvenile offenders, recognition of mental conditions and crises, including, but not limited to, the disease of addiction, which require immediate assistance and response and methods to safeguard and provide assistance to a person in need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural perceptions and common myths of sexual assault and sexual abuse as well as interview techniques that are age sensitive and are trauma informed, victim centered, and victim sensitive. The curriculum shall include training in techniques designed to promote effective communication at the initial contact with crime

victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. The curriculum shall also include training in effective recognition of and responses to stress, trauma, and post-traumatic stress experienced by law enforcement officers that is consistent with Section 25 of the Illinois Mental Health First Aid Training Act in a peer setting, including recognizing signs and symptoms of work-related cumulative stress, issues that may lead to suicide, and solutions for intervention with peer support resources. The curriculum shall include a block of instruction addressing the mandatory reporting requirements under the Abused and Neglected Child Reporting Act. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum shall include training in the detection and investigation of all forms of human trafficking. The curriculum shall also include instruction in trauma-informed responses designed to ensure the physical safety and well-being of a child of an arrested

parent or immediate family member; this instruction must include, but is not limited to: (1) understanding the trauma experienced by the child while maintaining the integrity of the arrest and safety of officers, suspects, and other involved individuals; (2) de-escalation tactics that would include the use of force when reasonably necessary; and (3) inquiring whether a child will require supervision and care. The curriculum for probationary law enforcement officers shall include: (1) at least 12 hours of hands-on, scenario-based role-playing; (2) at least 6 hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; (3) specific training on officer safety techniques, including cover, concealment, and time; and (4) at least 6 hours of training focused on high-risk traffic stops. The curriculum for permanent law enforcement officers shall include, but not be limited to: (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board. The training in the use of electronic control devices shall be conducted for probationary law enforcement officers, including University police officers. The curriculum shall

also include training on the use of a firearms restraining order by providing instruction on the process used to file a firearms restraining order and how to identify situations in which a firearms restraining order is appropriate.

b. Minimum courses of study, attendance requirements and equipment requirements.

c. Minimum requirements for instructors.

d. Minimum basic training requirements, which a probationary law enforcement officer must satisfactorily complete before being eligible for permanent employment as a local law enforcement officer for a participating local governmental or State governmental agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation).

e. Minimum basic training requirements, which a probationary county corrections officer must satisfactorily complete before being eligible for permanent employment as a county corrections officer for a participating local governmental agency.

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency. The Board shall establish those training requirements which it considers appropriate for

court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to the officer's successful completion of the training course; (ii) attesting to the officer's satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.

Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685). Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.

All individuals hired as court security officers on or after June 1, 1997 (the effective date of Public Act 89-685) shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit

Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

g. Minimum in-service training requirements, which a law enforcement officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, reporting child abuse and neglect, and cultural competency, including implicit bias and racial and ethnic sensitivity. These trainings shall consist of at least 30 hours of training every 3 years.

h. Minimum in-service training requirements, which a law enforcement officer must satisfactorily complete at least annually. Those requirements shall include law updates, emergency medical response training and certification, crisis intervention training, and officer wellness and mental health.

i. Minimum in-service training requirements as set forth in Section 10.6.

~~The amendatory changes to this Section made by Public Act~~

~~101-652 shall take effect January 1, 2022.~~

Notwithstanding any provision of law to the contrary, the changes made to this Section by ~~this amendatory Act of the 102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act 102-28, and Public Act 102-694 take effect July 1, 2022.

(Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff. 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff. 7-1-23; revised 8-11-22.)

(50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

Sec. 8.1. Full-time law enforcement and county corrections officers.

(a) No person shall receive a permanent appointment as a law enforcement officer or a permanent appointment as a county corrections officer unless that person has been awarded, within 6 months of the officer's initial full-time employment, a certificate attesting to the officer's successful completion of the Minimum Standards Basic Law Enforcement or County Correctional Training Course as prescribed by the Board; or has been awarded a certificate attesting to the officer's satisfactory completion of a training program of similar content and number of hours and which course has been found

acceptable by the Board under the provisions of this Act; or a training waiver by reason of extensive prior law enforcement or county corrections experience the basic training requirement is determined by the Board to be illogical and unreasonable.

If such training is required and not completed within the applicable 6 months, then the officer must forfeit the officer's position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waiver shall be issued only for good and justifiable reasons, and in no case shall extend more than 90 days beyond the initial 6 months. Any hiring agency that fails to train a law enforcement officer within this period shall be prohibited from employing this individual in a law enforcement capacity for one year from the date training was to be completed. If an agency again fails to train the individual a second time, the agency shall be permanently barred from employing this individual in a law enforcement capacity.

An individual who is not certified by the Board or whose certified status is inactive shall not function as a law enforcement officer, be assigned the duties of a law enforcement officer by an employing agency, or be authorized to carry firearms under the authority of the employer, except as otherwise authorized to carry a firearm under State or federal law. Sheriffs who are elected as of January 1, 2022 (the effective date of Public Act 101-652) ~~this amendatory Act~~

~~of the 101st General Assembly,~~ are exempt from the requirement of certified status. Failure to be certified in accordance with this Act shall cause the officer to forfeit the officer's position.

An employing agency may not grant a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Board.

(b) Inactive status. A person who has an inactive law enforcement officer certification has no law enforcement authority.

(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the officer's employing law enforcement agency for any reason. The Board shall re-activate a certification upon written application from the law enforcement officer's law enforcement agency that shows the law enforcement officer: (i) has accepted a full-time law enforcement position with that law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board. The Board may also establish special training requirements to be completed as a condition for re-activation.

The Board shall review a notice for reactivation from a law enforcement agency and provide a response within 30 days. The Board may extend this review. A law enforcement

officer shall be allowed to be employed as a full-time law enforcement officer while the law enforcement officer reactivation waiver is under review.

A law enforcement officer who is refused reactivation or an employing agency of a law enforcement officer who is refused reactivation under this Section may request a hearing in accordance with the hearing procedures as outlined in subsection (h) of Section 6.3 of this Act.

The Board may refuse to re-activate the certification of a law enforcement officer who was involuntarily terminated for good cause by an employing agency for conduct subject to decertification under this Act or resigned or retired after receiving notice of a law enforcement agency's investigation.

(2) A law enforcement agency may place an officer who is currently certified on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement officer until the officer has completed any requirements for reactivating the certificate as required by the Board. A request for inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board with a copy to the chief administrator of the law enforcement officer's current or new employing agency.

(3) Certification that has become inactive under paragraph (2) of this subsection (b)~~,~~ shall be reactivated by written notice from the law enforcement officer's agency upon a showing that the law enforcement officer ~~is~~: (i) is employed in a full-time law enforcement position with the same law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board.

(4) Notwithstanding paragraph (3) of this subsection (b), a law enforcement officer whose certification has become inactive under paragraph (2) may have the officer's employing agency submit a request for a waiver of training requirements to the Board in writing and accompanied by any verifying documentation~~.~~. A grant of a waiver is within the discretion of the Board. Within 7 days of receiving a request for a waiver under this Section ~~section~~, the Board shall notify the law enforcement officer and the chief administrator of the law enforcement officer's employing agency, whether the request has been granted, denied, or if the Board will take additional time for information. A law enforcement agency~~,~~ whose request for a waiver under this subsection is denied~~,~~ is entitled to request a review of the denial by the Board. The law enforcement agency must request a review within 20 days of the waiver being denied. The burden of proof shall be on

the law enforcement agency to show why the law enforcement officer is entitled to a waiver of the legislatively required training and eligibility requirements.

(c) No provision of this Section shall be construed to mean that a county corrections officer employed by a governmental agency at the time of the effective date of this amendatory Act, either as a probationary county corrections officer or as a permanent county corrections officer, shall require certification under the provisions of this Section. No provision of this Section shall be construed to apply to certification of elected county sheriffs.

(d) Within 14 days, a law enforcement officer shall report to the Board: (1) any name change; (2) any change in employment; or (3) the filing of any criminal indictment or charges against the officer alleging that the officer committed any offense as enumerated in Section 6.1 of this Act.

(e) All law enforcement officers must report the completion of the training requirements required in this Act in compliance with Section 8.4 of this Act.

(e-1) Each employing law enforcement agency shall allow and provide an opportunity for a law enforcement officer to complete the mandated requirements in this Act. All mandated training shall ~~will~~ be provided ~~for~~ at no cost to the employees. Employees shall be paid for all time spent attending mandated training.

(e-2) Each agency, academy, or training provider shall maintain proof of a law enforcement officer's completion of legislatively required training in a format designated by the Board. The report of training shall be submitted to the Board within 30 days following completion of the training. A copy of the report shall be submitted to the law enforcement officer. Upon receipt of a properly completed report of training, the Board will make the appropriate entry into the training records of the law enforcement officer.

(f) This Section does not apply to part-time law enforcement officers or probationary part-time law enforcement officers.

(g) Notwithstanding any provision of law to the contrary, the changes made to this Section by ~~this amendatory Act of the 102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act 102-28, and Public Act 102-694 take effect July 1, 2022.
(Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22; 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; revised 2-3-22.)

(50 ILCS 705/10.6)

Sec. 10.6. Mandatory training to be completed every 3 years.

(a) The Board shall adopt rules and minimum standards for in-service training requirements as set forth in this Section. The training shall provide officers with knowledge of policies and laws regulating the use of force; equip officers with

tactics and skills, including de-escalation techniques, to prevent or reduce the need to use force or, when force must be used, to use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and ensure appropriate supervision and accountability. The training shall include:

(1) At least 12 hours of hands-on, scenario-based role-playing.

(2) At least 6 hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible.

(3) Specific training on the law concerning stops, searches, and the use of force under the Fourth Amendment to the United States Constitution.

(4) Specific training on officer safety techniques, including cover, concealment, and time.

(5) At least 6 hours of training focused on high-risk traffic stops.

(b) Notwithstanding any provision of law to the contrary, the changes made to this Section by ~~this amendatory Act of the 102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act 102-28, and Public Act 102-694 take effect July 1, 2022.

~~This Section takes effect January 1, 2022.~~

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; revised 2-3-22.)

(50 ILCS 705/10.19)

Sec. 10.19. Training; administration of epinephrine.

(a) This Section, along with Section 40 of the Illinois State Police Act, may be referred to as the Annie LeGere Law.

(b) For purposes of this Section, "epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body prescribed in the name of a local law enforcement agency.

(c) The Board shall conduct or approve an optional advanced training program for law enforcement officers to recognize and respond to anaphylaxis, including the administration of an epinephrine auto-injector. The training must include, but is not limited to:

(1) how to recognize symptoms of an allergic reaction;

(2) how to respond to an emergency involving an allergic reaction;

(3) how to administer an epinephrine auto-injector;

(4) how to respond to an individual with a known allergy as well as an individual with a previously unknown allergy;

(5) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector; and

(6) other criteria as determined in rules adopted by

the Board.

(d) A local law enforcement agency may authorize a law enforcement officer who has completed an optional advanced training program under subsection (c) to carry, administer, or assist with the administration of epinephrine auto-injectors provided by the local law enforcement agency whenever the officer is performing official duties.

(e) A local law enforcement agency that authorizes its officers to carry and administer epinephrine auto-injectors under subsection (d) must establish a policy to control the acquisition, storage, transportation, administration, and disposal of epinephrine auto-injectors and to provide continued training in the administration of epinephrine auto-injectors.

(f) A physician, physician ~~physician's~~ assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority may provide a standing protocol or prescription for epinephrine auto-injectors in the name of a local law enforcement agency to be maintained for use when necessary.

(g) When a law enforcement officer administers an epinephrine auto-injector in good faith, the law enforcement officer and local law enforcement agency, and its employees and agents, including a physician, physician ~~physician's~~ assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority who provides a

standing order or prescription for an epinephrine auto-injector, incur no civil or professional liability, except for willful and wanton conduct, or as a result of any injury or death arising from the use of an epinephrine auto-injector.

(Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-694, eff. 1-7-22; revised 2-3-22.)

Section 240. The Police and Community Relations Improvement Act is amended by changing Section 1-10 as follows:

(50 ILCS 727/1-10)

Sec. 1-10. Investigation of officer-involved deaths; requirements.

(a) Each law enforcement agency shall have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by that law enforcement agency.

(b) Each officer-involved death investigation shall be conducted by at least 2 investigators, or an entity or agency comprised of at least 2 investigators, one of whom is the lead investigator. The lead investigator shall be a person certified by the Illinois Law Enforcement Training Standards Board as a Lead Homicide Investigator, or similar training approved by the Illinois Law Enforcement Training Standards

Board or the Illinois State Police, or similar training provided at an Illinois Law Enforcement Training Standards Board certified school. No investigator involved in the investigation may be employed by the law enforcement agency that employs the officer involved in the officer-involved death, unless the investigator is employed by the Illinois State Police and is not assigned to the same division or unit as the officer involved in the death.

(c) In addition to the requirements of subsection (b) of this Section, if the officer-involved death being investigated involves a motor vehicle crash, at least one investigator shall be certified by the Illinois Law Enforcement Training Standards Board as a Crash Reconstruction Specialist, or similar training approved by the Illinois Law Enforcement Training Standards Board or the Illinois State Police, or similar training provided at an Illinois Law Enforcement Training Standards Board certified school. Notwithstanding the requirements of subsection (b) of this Section, the policy for a law enforcement agency, when the officer-involved death being investigated involves a motor vehicle collision, may allow the use of an investigator who is employed by that law enforcement agency and who is certified by the Illinois Law Enforcement Training Standards Board as a Crash Reconstruction Specialist, or similar training approved by the Illinois Law Enforcement Training Standards Board, or similar certified training approved by the Illinois State Police, or similar

training provided at an Illinois Law Enforcement Training Standards Board certified school.

(d) The investigators conducting the investigation shall, in an expeditious manner, provide a complete report to the State's Attorney of the county in which the officer-involved death occurred.

(e) If the State's Attorney, or a designated special prosecutor, determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, or if the law enforcement officer is not otherwise charged or indicted, the investigators shall publicly release a report.
(Source: P.A. 102-538, eff. 8-20-21; 102-982, eff. 7-1-23; 102-1071, eff. 6-10-22; revised 12-13-22.)

Section 245. The Emergency Telephone System Act is amended by changing Section 15.4a as follows:

(50 ILCS 750/15.4a)

(Section scheduled to be repealed on December 31, 2023)

Sec. 15.4a. Consolidation.

(a) By July 1, 2017, and except as otherwise provided in this Section, Emergency Telephone System Boards, Joint Emergency Telephone System Boards, and PSAPs shall be consolidated as follows, subject to subsections (b) and (c) of this Section:

(1) In any county with a population of at least

250,000 that has a single Emergency Telephone System Board and more than 2 PSAPs, the 9-1-1 Authority shall reduce the number of PSAPs by at least 50% or to 2 PSAPs, whichever is greater. Nothing in this paragraph shall preclude consolidation resulting in one PSAP in the county.

(2) In any county with a population of at least 250,000 that has more than one Emergency Telephone System Board or~~,~~ Joint Emergency Telephone System Board, any 9-1-1 Authority serving a population of less than 25,000 shall be consolidated such that no 9-1-1 Authority in the county serves a population of less than 25,000.

(3) In any county with a population of at least 250,000 but less than 1,000,000 that has more than one Emergency Telephone System Board or~~,~~ Joint Emergency Telephone System Board, each 9-1-1 Authority shall reduce the number of PSAPs by at least 50% or to 2 PSAPs, whichever is greater. Nothing in this paragraph shall preclude consolidation of a 9-1-1 Authority into a Joint Emergency Telephone System Board, and nothing in this paragraph shall preclude consolidation resulting in one PSAP in the county.

(4) In any county with a population of less than 250,000 that has a single Emergency Telephone System Board and more than 2 PSAPs, the 9-1-1 Authority shall reduce the number of PSAPs by at least 50% or to 2 PSAPs,

whichever is greater. Nothing in this paragraph shall preclude consolidation resulting in one PSAP in the county.

(5) In any county with a population of less than 250,000 that has more than one Emergency Telephone System Board or Joint Emergency Telephone System Board and more than 2 PSAPS, the 9-1-1 Authorities shall be consolidated into a single joint board, and the number of PSAPs shall be reduced by at least 50% or to 2 PSAPs, whichever is greater. Nothing in this paragraph shall preclude consolidation resulting in one PSAP in the county.

(6) Any 9-1-1 Authority that does not have a PSAP within its jurisdiction shall be consolidated through an intergovernmental agreement with an existing 9-1-1 Authority that has a PSAP to create a Joint Emergency Telephone Board.

(7) The corporate authorities of each county that has no 9-1-1 service as of January 1, 2016 shall provide 9-1-1 wireline and wireless 9-1-1 service for that county by either (i) entering into an intergovernmental agreement with an existing Emergency Telephone System Board to create a new Joint Emergency Telephone System Board, or (ii) entering into an intergovernmental agreement with the corporate authorities that have created an existing Joint Emergency Telephone System Board.

(b) By July 1, 2016, each county required to consolidate

pursuant to paragraph (7) of subsection (a) of this Section and each 9-1-1 Authority required to consolidate pursuant to paragraphs (1) through (6) of subsection (a) of this Section shall file a plan for consolidation or a request for a waiver pursuant to subsection (c) of this Section with the Office of the Statewide 9-1-1 Administrator.

(1) No county or 9-1-1 Authority may avoid the requirements of this Section by converting primary PSAPs to secondary or virtual answering points; however, a PSAP may be decommissioned. Staff from decommissioned PSAPs may remain to perform nonemergency police, fire, or EMS responsibilities. Any county or 9-1-1 Authority not in compliance with this Section shall be ineligible to receive consolidation grant funds issued under Section 15.4b of this Act or monthly disbursements otherwise due under Section 30 of this Act, until the county or 9-1-1 Authority is in compliance.

(2) Within 60 calendar days of receiving a consolidation plan or waiver, the Statewide 9-1-1 Advisory Board shall hold at least one public hearing on the plan and provide a recommendation to the Administrator. Notice of the hearing shall be provided to the respective entity to which the plan applies.

(3) Within 90 calendar days of receiving a consolidation plan, the Administrator shall approve the plan or waiver, approve the plan as modified, or grant a

waiver pursuant to subsection (c) of this Section. In making his or her decision, the Administrator shall consider any recommendation from the Statewide 9-1-1 Advisory Board regarding the plan. If the Administrator does not follow the recommendation of the Board, the Administrator shall provide a written explanation for the deviation in his or her decision.

(4) The deadlines provided in this subsection may be extended upon agreement between the Administrator and entity which submitted the plan.

(c) A waiver from a consolidation required under subsection (a) of this Section may be granted if the Administrator finds that the consolidation will result in a substantial threat to public safety, is economically unreasonable, or is technically infeasible.

(d) Any decision of the Administrator under this Section shall be deemed a final administrative decision and shall be subject to judicial review under the Administrative Review Law.

(Source: P.A. 102-9, eff. 6-3-21; revised 2-28-22.)

Section 250. The Counties Code is amended by changing Sections 3-3013, 5-1006.7, 5-1182, 5-45025, and 6-30002 and the heading of Division 4-13 as follows:

(55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

(Text of Section before amendment by P.A. 102-982)

Sec. 3-3013. Preliminary investigations; blood and urine analysis; summoning jury; reports. Every coroner, whenever, as soon as he knows or is informed that the dead body of any person is found, or lying within his county, whose death is suspected of being:

(a) A sudden or violent death, whether apparently suicidal, homicidal, or accidental, including, but not limited to, deaths apparently caused or contributed to by thermal, traumatic, chemical, electrical, or radiational injury, or a complication of any of them, or by drowning or suffocation, or as a result of domestic violence as defined in the Illinois Domestic Violence Act of 1986;

(b) A death due to a sex crime;

(c) A death where the circumstances are suspicious, obscure, mysterious, or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined;

(d) A death where addiction to alcohol or to any drug may have been a contributory cause; or

(e) A death where the decedent was not attended by a licensed physician;

shall go to the place where the dead body is~~,~~ and take charge of the same and shall make a preliminary investigation into the circumstances of the death. In the case of death without attendance by a licensed physician, the body may be moved with

the coroner's consent from the place of death to a mortuary in the same county. Coroners in their discretion shall notify such physician as is designated in accordance with Section 3-3014 to attempt to ascertain the cause of death, either by autopsy or otherwise.

In cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older, the coroner shall require that a blood specimen of at least 30 cc., and if medically possible a urine specimen of at least 30 cc. or as much as possible up to 30 cc., be withdrawn from the body of the decedent in a timely fashion after the accident causing his death, by such physician as has been designated in accordance with Section 3-3014, or by the coroner or deputy coroner or a qualified person designated by such physician, coroner, or deputy coroner. If the county does not maintain laboratory facilities for making such analysis, the blood and urine so drawn shall be sent to the Illinois State Police or any other accredited or State-certified laboratory for analysis of the alcohol, carbon monoxide, and dangerous or narcotic drug content of such blood and urine specimens. Each specimen submitted shall be accompanied by pertinent information concerning the decedent upon a form prescribed by such laboratory. Any person drawing blood and urine and any person making any examination of the blood and urine under the terms of this Division shall be immune from all

liability, civil or criminal, that might otherwise be incurred or imposed.

In all other cases coming within the jurisdiction of the coroner and referred to in subparagraphs (a) through (e) above, blood, and, whenever possible, urine samples shall be analyzed for the presence of alcohol and other drugs. When the coroner suspects that drugs may have been involved in the death, either directly or indirectly, a toxicological examination shall be performed which may include analyses of blood, urine, bile, gastric contents, and other tissues. When the coroner suspects a death is due to toxic substances, other than drugs, the coroner shall consult with the toxicologist prior to collection of samples. Information submitted to the toxicologist shall include information as to height, weight, age, sex, and race of the decedent as well as medical history, medications used by, and the manner of death of the decedent.

When the coroner or medical examiner finds that the cause of death is due to homicidal means, the coroner or medical examiner shall cause blood and buccal specimens (tissue may be submitted if no uncontaminated blood or buccal specimen can be obtained), whenever possible, to be withdrawn from the body of the decedent in a timely fashion. For proper preservation of the specimens, collected blood and buccal specimens shall be dried and tissue specimens shall be frozen if available equipment exists. As soon as possible, but no later than 30 days after the collection of the specimens, the coroner or

medical examiner shall release those specimens to the police agency responsible for investigating the death. As soon as possible, but no later than 30 days after the receipt from the coroner or medical examiner, the police agency shall submit the specimens using the agency case number to a National DNA Index System (NDIS) participating laboratory within this State, such as the Illinois State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings. The results of the analysis and categorizing into genetic marker groupings shall be provided to the Illinois State Police and shall be maintained by the Illinois State Police in the State central repository in the same manner, and subject to the same conditions, as provided in Section 5-4-3 of the Unified Code of Corrections. The requirements of this paragraph are in addition to any other findings, specimens, or information that the coroner or medical examiner is required to provide during the conduct of a criminal investigation.

In all counties, in cases of apparent suicide, homicide, or accidental death or in other cases, within the discretion of the coroner, the coroner may summon 8 persons of lawful age from those persons drawn for petit jurors in the county. The summons shall command these persons to present themselves personally at such a place and time as the coroner shall determine, and may be in any form which the coroner shall determine and may incorporate any reasonable form of request for acknowledgment which the coroner deems practical and

provides a reliable proof of service. The summons may be served by first class mail. From the 8 persons so summoned, the coroner shall select 6 to serve as the jury for the inquest. Inquests may be continued from time to time, as the coroner may deem necessary. The 6 jurors selected in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the original jurors shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. A juror serving pursuant to this paragraph shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county. The coroner shall furnish to each juror without fee at the time of his discharge a certificate of the number of days in attendance at an inquest, and, upon being presented with such certificate, the county treasurer shall pay to the juror the sum provided for his services.

In counties which have a jury commission, in cases of apparent suicide or homicide or of accidental death, the coroner may conduct an inquest. The jury commission shall provide at least 8 jurors to the coroner, from whom the coroner shall select any 6 to serve as the jury for the inquest. Inquests may be continued from time to time as the coroner may deem necessary. The 6 jurors originally chosen in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the 6 jurors originally chosen shall be unable to continue to serve, the coroner shall fill the

vacancy or vacancies. At the coroner's discretion, additional jurors to fill such vacancies shall be supplied by the jury commission. A juror serving pursuant to this paragraph in such county shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county.

In every case in which a fire is determined to be a contributing factor in a death, the coroner shall report the death to the Office of the State Fire Marshal. The coroner shall provide a copy of the death certificate (i) within 30 days after filing the permanent death certificate and (ii) in a manner that is agreed upon by the coroner and the State Fire Marshal.

In every case in which a drug overdose is determined to be the cause or a contributing factor in the death, the coroner or medical examiner shall report the death to the Department of Public Health. The Department of Public Health shall adopt rules regarding specific information that must be reported in the event of such a death. If possible, the coroner shall report the cause of the overdose. As used in this Section, "overdose" has the same meaning as it does in Section 414 of the Illinois Controlled Substances Act. The Department of Public Health shall issue a semiannual report to the General Assembly summarizing the reports received. The Department shall also provide on its website a monthly report of overdose death figures organized by location, age, and any other

factors~~,~~ the Department deems appropriate.

In addition, in every case in which domestic violence is determined to be a contributing factor in a death, the coroner shall report the death to the Illinois State Police.

All deaths in State institutions and all deaths of wards of the State or youth in care as defined in Section 4d of the Children and Family Services Act in private care facilities or in programs funded by the Department of Human Services under its powers relating to mental health and developmental disabilities or alcoholism and substance abuse or funded by the Department of Children and Family Services shall be reported to the coroner of the county in which the facility is located. If the coroner has reason to believe that an investigation is needed to determine whether the death was caused by maltreatment or negligent care of the ward of the State or youth in care as defined in Section 4d of the Children and Family Services Act, the coroner may conduct a preliminary investigation of the circumstances of such death as in cases of death under circumstances set forth in subparagraphs ~~paragraphs~~ (a) through (e) of this Section.

(Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21; revised 8-23-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 3-3013. Preliminary investigations; blood and urine analysis; summoning jury; reports. Every coroner, whenever,

as soon as he knows or is informed that the dead body of any person is found, or lying within his county, whose death is suspected of being:

(a) A sudden or violent death, whether apparently suicidal, homicidal, or accidental, including, but not limited to, deaths apparently caused or contributed to by thermal, traumatic, chemical, electrical, or radiational injury, or a complication of any of them, or by drowning or suffocation, or as a result of domestic violence as defined in the Illinois Domestic Violence Act of 1986;

(b) A death due to a sex crime;

(c) A death where the circumstances are suspicious, obscure, mysterious, or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined;

(d) A death where addiction to alcohol or to any drug may have been a contributory cause; or

(e) A death where the decedent was not attended by a licensed physician;

shall go to the place where the dead body is, and take charge of the same and shall make a preliminary investigation into the circumstances of the death. In the case of death without attendance by a licensed physician, the body may be moved with the coroner's consent from the place of death to a mortuary in the same county. Coroners in their discretion shall notify such physician as is designated in accordance with Section

3-3014 to attempt to ascertain the cause of death, either by autopsy or otherwise.

In cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older, the coroner shall require that a blood specimen of at least 30 cc., and if medically possible a urine specimen of at least 30 cc. or as much as possible up to 30 cc., be withdrawn from the body of the decedent in a timely fashion after the crash causing his death, by such physician as has been designated in accordance with Section 3-3014, or by the coroner or deputy coroner or a qualified person designated by such physician, coroner, or deputy coroner. If the county does not maintain laboratory facilities for making such analysis, the blood and urine so drawn shall be sent to the Illinois State Police or any other accredited or State-certified laboratory for analysis of the alcohol, carbon monoxide, and dangerous or narcotic drug content of such blood and urine specimens. Each specimen submitted shall be accompanied by pertinent information concerning the decedent upon a form prescribed by such laboratory. Any person drawing blood and urine and any person making any examination of the blood and urine under the terms of this Division shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed.

In all other cases coming within the jurisdiction of the

coroner and referred to in subparagraphs (a) through (e) above, blood, and, whenever possible, urine samples shall be analyzed for the presence of alcohol and other drugs. When the coroner suspects that drugs may have been involved in the death, either directly or indirectly, a toxicological examination shall be performed which may include analyses of blood, urine, bile, gastric contents, and other tissues. When the coroner suspects a death is due to toxic substances, other than drugs, the coroner shall consult with the toxicologist prior to collection of samples. Information submitted to the toxicologist shall include information as to height, weight, age, sex, and race of the decedent as well as medical history, medications used by, and the manner of death of the decedent.

When the coroner or medical examiner finds that the cause of death is due to homicidal means, the coroner or medical examiner shall cause blood and buccal specimens (tissue may be submitted if no uncontaminated blood or buccal specimen can be obtained), whenever possible, to be withdrawn from the body of the decedent in a timely fashion. For proper preservation of the specimens, collected blood and buccal specimens shall be dried and tissue specimens shall be frozen if available equipment exists. As soon as possible, but no later than 30 days after the collection of the specimens, the coroner or medical examiner shall release those specimens to the police agency responsible for investigating the death. As soon as possible, but no later than 30 days after the receipt from the

coroner or medical examiner, the police agency shall submit the specimens using the agency case number to a National DNA Index System (NDIS) participating laboratory within this State, such as the Illinois State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings. The results of the analysis and categorizing into genetic marker groupings shall be provided to the Illinois State Police and shall be maintained by the Illinois State Police in the State central repository in the same manner, and subject to the same conditions, as provided in Section 5-4-3 of the Unified Code of Corrections. The requirements of this paragraph are in addition to any other findings, specimens, or information that the coroner or medical examiner is required to provide during the conduct of a criminal investigation.

In all counties, in cases of apparent suicide, homicide, or accidental death or in other cases, within the discretion of the coroner, the coroner may summon 8 persons of lawful age from those persons drawn for petit jurors in the county. The summons shall command these persons to present themselves personally at such a place and time as the coroner shall determine, and may be in any form which the coroner shall determine and may incorporate any reasonable form of request for acknowledgment which the coroner deems practical and provides a reliable proof of service. The summons may be served by first class mail. From the 8 persons so summoned, the coroner shall select 6 to serve as the jury for the inquest.

Inquests may be continued from time to time, as the coroner may deem necessary. The 6 jurors selected in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the original jurors shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. A juror serving pursuant to this paragraph shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county. The coroner shall furnish to each juror without fee at the time of his discharge a certificate of the number of days in attendance at an inquest, and, upon being presented with such certificate, the county treasurer shall pay to the juror the sum provided for his services.

In counties which have a jury commission, in cases of apparent suicide or homicide or of accidental death, the coroner may conduct an inquest. The jury commission shall provide at least 8 jurors to the coroner, from whom the coroner shall select any 6 to serve as the jury for the inquest. Inquests may be continued from time to time as the coroner may deem necessary. The 6 jurors originally chosen in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the 6 jurors originally chosen shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. At the coroner's discretion, additional jurors to fill such vacancies shall be supplied by the jury commission. A juror serving pursuant to this paragraph in such

county shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county.

In every case in which a fire is determined to be a contributing factor in a death, the coroner shall report the death to the Office of the State Fire Marshal. The coroner shall provide a copy of the death certificate (i) within 30 days after filing the permanent death certificate and (ii) in a manner that is agreed upon by the coroner and the State Fire Marshal.

In every case in which a drug overdose is determined to be the cause or a contributing factor in the death, the coroner or medical examiner shall report the death to the Department of Public Health. The Department of Public Health shall adopt rules regarding specific information that must be reported in the event of such a death. If possible, the coroner shall report the cause of the overdose. As used in this Section, "overdose" has the same meaning as it does in Section 414 of the Illinois Controlled Substances Act. The Department of Public Health shall issue a semiannual report to the General Assembly summarizing the reports received. The Department shall also provide on its website a monthly report of overdose death figures organized by location, age, and any other factors~~,~~ the Department deems appropriate.

In addition, in every case in which domestic violence is determined to be a contributing factor in a death, the coroner

shall report the death to the Illinois State Police.

All deaths in State institutions and all deaths of wards of the State or youth in care as defined in Section 4d of the Children and Family Services Act in private care facilities or in programs funded by the Department of Human Services under its powers relating to mental health and developmental disabilities or alcoholism and substance abuse or funded by the Department of Children and Family Services shall be reported to the coroner of the county in which the facility is located. If the coroner has reason to believe that an investigation is needed to determine whether the death was caused by maltreatment or negligent care of the ward of the State or youth in care as defined in Section 4d of the Children and Family Services Act, the coroner may conduct a preliminary investigation of the circumstances of such death as in cases of death under circumstances set forth in subparagraphs ~~paragraphs~~ (a) through (e) of this Section.

(Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21; 102-982, eff. 7-1-23; revised 8-23-22.)

(55 ILCS 5/Div. 4-13 heading)

Division 4-13. Penalty for Violations~~.~~

(55 ILCS 5/5-1006.7)

Sec. 5-1006.7. School facility and resources occupation taxes.

(a) In any county, a tax shall be imposed upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for (i) school facility purposes (except as otherwise provided in this Section), (ii) school resource officers and mental health professionals, or (iii) school facility purposes, school resource officers, and mental health professionals if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question as provided in subsection (c). The tax under this Section shall be imposed only in one-quarter percent increments and may not exceed 1%.

This additional tax may not be imposed on tangible personal property taxed at the 1% rate under the Retailers' Occupation Tax Act (or at the 0% rate imposed under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~). Beginning December 1, 2019 and through December 31, 2020, this tax is not imposed on sales of aviation fuel unless the tax revenue is expended for airport-related purposes. If the county does not have an airport-related purpose to which it dedicates aviation fuel tax revenue, then aviation fuel is excluded from the tax. The county must comply with the certification requirements for airport-related purposes under

Section 2-22 of the Retailers' Occupation Tax Act. For purposes of this Section, "airport-related purposes" has the meaning ascribed in Section 6z-20.2 of the State Finance Act. Beginning January 1, 2021, this tax is not imposed on sales of aviation fuel for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county. The Department of Revenue has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection. The Department shall deposit all taxes and penalties collected under this subsection into a special fund created for that purpose.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) shall employ the same modes of procedure as are set forth in Sections 1 through 1o, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a through 2h, 3 (except as to the disposition of taxes and penalties collected, and except that the retailer's discount is not allowed for taxes

paid on aviation fuel that are subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act as if those provisions were set forth in this subsection.

The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act permits the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this subsection.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their seller's tax liability by separately stating that tax as an additional charge, which may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(b) If a tax has been imposed under subsection (a), then a service occupation tax must also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service.

This tax may not be imposed on tangible personal property

taxed at the 1% rate under the Service Occupation Tax Act (or at the 0% rate imposed under Public Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~). Beginning December 1, 2019 and through December 31, 2020, this tax is not imposed on sales of aviation fuel unless the tax revenue is expended for airport-related purposes. If the county does not have an airport-related purpose to which it dedicates aviation fuel tax revenue, then aviation fuel is excluded from the tax. The county must comply with the certification requirements for airport-related purposes under Section 2-22 of the Retailers' Occupation Tax Act. For purposes of this Section, "airport-related purposes" has the meaning ascribed in Section 6z-20.2 of the State Finance Act. Beginning January 1, 2021, this tax is not imposed on sales of aviation fuel for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department and deposited into a special fund created for that purpose. The Department has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall (i) have the same rights, remedies, privileges, immunities, powers and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties and definition of terms, and (iii) employ the same modes of procedure as are set forth in Sections 2 (except that that reference to State in the definition of supplier maintaining a place of business in this State means the county), 2a through 2d, 3 through 3-50 (in respect to all provisions contained in those Sections other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax is a debt to the extent indicated in that Section 8 is the county), 9 (except as to the disposition of taxes and penalties collected, and except that the retailer's discount is not allowed for taxes paid on aviation fuel that are subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State means the county), ~~Section~~ 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their

serviceman's tax liability by separately stating the tax as an additional charge, which may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(c) The tax under this Section may not be imposed until the question of imposing the tax has been submitted to the electors of the county at a regular election and approved by a majority of the electors voting on the question. For all regular elections held prior to August 23, 2011 (the effective date of Public Act 97-542), upon a resolution by the county board or a resolution by school district boards that represent at least 51% of the student enrollment within the county, the county board must certify the question to the proper election authority in accordance with the Election Code.

For all regular elections held prior to August 23, 2011 (the effective date of Public Act 97-542), the election authority must submit the question in substantially the following form:

> Shall (name of county) be authorized to impose a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") at a rate of (insert rate) to be used exclusively for school facility purposes?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then the county may, thereafter, impose the tax.

For all regular elections held on or after August 23, 2011 (the effective date of Public Act 97-542), the regional superintendent of schools for the county must, upon receipt of a resolution or resolutions of school district boards that represent more than 50% of the student enrollment within the county, certify the question to the proper election authority for submission to the electors of the county at the next regular election at which the question lawfully may be submitted to the electors, all in accordance with the Election Code.

For all regular elections held on or after August 23, 2011 (the effective date of Public Act 97-542) and before August 23, 2019 (the effective date of Public Act 101-455), the election authority must submit the question in substantially the following form:

> Shall a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") be imposed in (name of county) at a rate of (insert rate) to be used exclusively for school facility purposes?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then the tax shall be imposed at the rate

set forth in the question.

For all regular elections held on or after August 23, 2019 (the effective date of Public Act 101-455), the election authority must submit the question as follows:

(1) If the referendum is to expand the use of revenues from a currently imposed tax exclusively for school facility purposes to include school resource officers and mental health professionals, the question shall be in substantially the following form:

In addition to school facility purposes, shall (name of county) school districts be authorized to use revenues from the tax commonly referred to as the school facility sales tax that is currently imposed in (name of county) at a rate of (insert rate) for school resource officers and mental health professionals?

(2) If the referendum is to increase the rate of a tax currently imposed exclusively for school facility purposes at less than 1% and dedicate the additional revenues for school resource officers and mental health professionals, the question shall be in substantially the following form:

Shall the tax commonly referred to as the school facility sales tax that is currently imposed in (name of county) at the rate of (insert rate) be increased to a rate of (insert rate) with the additional revenues used exclusively for school resource officers and mental health professionals?

(3) If the referendum is to impose a tax in a county that has not previously imposed a tax under this Section exclusively for school facility purposes, the question shall be in substantially the following form:

Shall a retailers' occupation tax and a service occupation tax (commonly referred to as a sales tax) be imposed in (name of county) at a rate of (insert rate) to be used exclusively for school facility purposes?

(4) If the referendum is to impose a tax in a county that has not previously imposed a tax under this Section exclusively for school resource officers and mental health professionals, the question shall be in substantially the following form:

Shall a retailers' occupation tax and a service occupation tax (commonly referred to as a sales tax) be imposed in (name of county) at a rate of (insert rate) to be used exclusively for school resource officers and mental health professionals?

(5) If the referendum is to impose a tax in a county that has not previously imposed a tax under this Section exclusively for school facility purposes, school resource officers, and mental health professionals, the question shall be in substantially the following form:

Shall a retailers' occupation tax and a service occupation tax (commonly referred to as a sales tax)

be imposed in (name of county) at a rate of (insert rate) to be used exclusively for school facility purposes, school resource officers, and mental health professionals?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then the tax shall be imposed at the rate set forth in the question.

For the purposes of this subsection (c), "enrollment" means the head count of the students residing in the county on the last school day of September of each year, which must be reported on the Illinois State Board of Education Public School Fall Enrollment/Housing Report.

(d) Except as otherwise provided, the Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the School Facility Occupation Tax Fund, which shall be an unappropriated trust fund held outside the State treasury. Taxes and penalties collected on aviation fuel sold on or after December 1, 2019 and through December 31, 2020, shall be immediately paid over by the Department to the State Treasurer, ex officio, as trustee, for deposit into the Local Government Aviation Trust Fund. The Department shall only pay moneys into the Local Government Aviation Trust Fund under this Section for so long as the revenue use requirements

of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.

On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the regional superintendents of schools in counties from which retailers or servicemen have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to each regional superintendent of schools and disbursed to him or her in accordance with Section 3-14.31 of the School Code, is equal to the amount (not including credit memoranda and not including taxes and penalties collected on aviation fuel sold on or after December 1, 2019 and through December 31, 2020) collected from the county under this Section during the second preceding calendar month by the Department, (i) less 2% of that amount (except the amount collected on aviation fuel sold on or after December 1, 2019 and through December 31, 2020), of which 50% shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this Section, on behalf of the county, and 50% shall be distributed to the regional superintendent of schools to cover the costs in administering and enforcing the provisions of this Section; ~~,~~ (ii) plus an amount that the Department determines is necessary to offset any amounts that were erroneously paid to

a different taxing body; (iii) less an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; and (iv) less any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county. When certifying the amount of a monthly disbursement to a regional superintendent of schools under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements within the previous 6 months from the time a miscalculation is discovered.

Within 10 days after receipt by the Comptroller from the Department of the disbursement certification to the regional superintendents of the schools provided for in this Section, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

If the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, then the Department shall notify the Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the Treasurer out of the School Facility Occupation Tax Fund or the Local Government Aviation Trust Fund, as appropriate.

(e) For the purposes of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This subsection does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(f) Nothing in this Section may be construed to authorize a tax to be imposed upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(g) If a county board imposes a tax under this Section pursuant to a referendum held before August 23, 2011 (the effective date of Public Act 97-542) at a rate below the rate set forth in the question approved by a majority of electors of that county voting on the question as provided in subsection (c), then the county board may, by ordinance, increase the rate of the tax up to the rate set forth in the question approved by a majority of electors of that county voting on the question as provided in subsection (c). If a county board imposes a tax under this Section pursuant to a referendum held before August 23, 2011 (the effective date of Public Act 97-542), then the board may, by ordinance, discontinue or reduce the rate of the tax. If a tax is imposed under this

Section pursuant to a referendum held on or after August 23, 2011 (the effective date of Public Act 97-542) and before August 23, 2019 (the effective date of Public Act 101-455), then the county board may reduce or discontinue the tax, but only in accordance with subsection (h-5) of this Section. If a tax is imposed under this Section pursuant to a referendum held on or after August 23, 2019 (the effective date of Public Act 101-455), then the county board may reduce or discontinue the tax, but only in accordance with subsection (h-10). If, however, a school board issues bonds that are secured by the proceeds of the tax under this Section, then the county board may not reduce the tax rate or discontinue the tax if that rate reduction or discontinuance would adversely affect the school board's ability to pay the principal and interest on those bonds as they become due or necessitate the extension of additional property taxes to pay the principal and interest on those bonds. If the county board reduces the tax rate or discontinues the tax, then a referendum must be held in accordance with subsection (c) of this Section in order to increase the rate of the tax or to reimpose the discontinued tax.

Until January 1, 2014, the results of any election that imposes, reduces, or discontinues a tax under this Section must be certified by the election authority, and any ordinance that increases or lowers the rate or discontinues the tax must be certified by the county clerk and, in each case, filed with

the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of January next following the filing.

Beginning January 1, 2014, the results of any election that imposes, reduces, or discontinues a tax under this Section must be certified by the election authority, and any ordinance that increases or lowers the rate or discontinues the tax must be certified by the county clerk and, in each case, filed with the Illinois Department of Revenue either (i) on or before the first day of May, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of January next following the filing.

(h) For purposes of this Section, "school facility purposes" means (i) the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable

equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities and (ii) the payment of bonds or other obligations heretofore or hereafter issued, including bonds or other obligations heretofore or hereafter issued to refund or to continue to refund bonds or other obligations issued, for school facility purposes, provided that the taxes levied to pay those bonds are abated by the amount of the taxes imposed under this Section that are used to pay those bonds. "School facility purposes" also includes fire prevention, safety, energy conservation, accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code.

(h-5) A county board in a county where a tax has been imposed under this Section pursuant to a referendum held on or after August 23, 2011 (the effective date of Public Act 97-542) and before August 23, 2019 (the effective date of Public Act 101-455) may, by ordinance or resolution, submit to the voters of the county the question of reducing or discontinuing the tax. In the ordinance or resolution, the county board shall certify the question to the proper election authority in accordance with the Election Code. The election authority must submit the question in substantially the following form:

Shall the school facility retailers' occupation tax

and service occupation tax (commonly referred to as the "school facility sales tax") currently imposed in (name of county) at a rate of (insert rate) be (reduced to (insert rate))(discontinued)?

If a majority of the electors voting on the question vote in the affirmative, then, subject to the provisions of subsection (g) of this Section, the tax shall be reduced or discontinued as set forth in the question.

(h-10) A county board in a county where a tax has been imposed under this Section pursuant to a referendum held on or after August 23, 2019 (the effective date of Public Act 101-455) may, by ordinance or resolution, submit to the voters of the county the question of reducing or discontinuing the tax. In the ordinance or resolution, the county board shall certify the question to the proper election authority in accordance with the Election Code. The election authority must submit the question in substantially the following form:

Shall the school facility and resources retailers' occupation tax and service occupation tax (commonly referred to as the school facility and resources sales tax) currently imposed in (name of county) at a rate of (insert rate) be (reduced to (insert rate)) (discontinued)?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote

in the affirmative, then, subject to the provisions of subsection (g) of this Section, the tax shall be reduced or discontinued as set forth in the question.

(i) This Section does not apply to Cook County.

(j) This Section may be cited as the County School Facility and Resources Occupation Tax Law.

(Source: P.A. 101-10, eff. 6-5-19; 101-455, eff. 8-23-19; 101-604, eff. 12-13-19; 102-700, eff. 4-19-22; 102-1062, eff. 7-1-22; revised 8-10-22.)

(55 ILCS 5/5-1182)

(Text of Section before amendment by P.A. 102-982)

Sec. 5-1182. Charitable organizations; solicitation.

(a) No county may prohibit a charitable organization, as defined in Section 2 of the Charitable Games Act, from soliciting for charitable purposes, including solicitations taking place on public roadways from passing motorists, if all of the following requirements are met:~~.~~

(1) The persons to be engaged in the solicitation are law enforcement personnel, firefighters, or other persons employed to protect the public safety of a local agency, and those persons are soliciting solely in an area that is within the service area of that local agency.

(2) The charitable organization files an application with the county having jurisdiction over the location or locations where the solicitation is to occur. The

application ~~applications~~ shall be filed not later than 10 business days before the date that the solicitation is to begin and shall include all of the following:

(A) The date or dates and times of day when the solicitation is to occur.

(B) The location or locations where the solicitation is to occur along with a list of 3 alternate locations listed in order of preference.

(C) The manner and conditions under which the solicitation is to occur.

(D) Proof of a valid liability insurance policy in the amount of at least $1,000,000 insuring the charity or local agency against bodily injury and property damage arising out of or in connection with the solicitation.

The county shall approve the application within 5 business days after the filing date of the application, but may impose reasonable conditions in writing that are consistent with the intent of this Section and are based on articulated public safety concerns. If the county determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations, or past accident history, then the county may deny the application for that location and must approve one of the 3 alternate locations following the order of preference submitted by the applicant

on the alternate location list. By acting under this Section, a local agency does not waive or limit any immunity from liability provided by any other provision of law.

(b) For purposes of this Section, "local agency" means a county, special district, fire district, joint powers of authority, or other political subdivision of the State of Illinois.

(c) A home rule unit may not regulate a charitable organization in a manner that is inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13; revised 8-23-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 5-1182. Charitable organizations; solicitation.

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(1) The persons to be engaged in the solicitation are law enforcement personnel, firefighters, or other persons employed to protect the public safety of a local agency,

and those persons are soliciting solely in an area that is within the service area of that local agency.

(2) The charitable organization files an application with the county having jurisdiction over the location or locations where the solicitation is to occur. The application ~~applications~~ shall be filed not later than 10 business days before the date that the solicitation is to begin and shall include all of the following:

(A) The date or dates and times of day when the solicitation is to occur.

(B) The location or locations where the solicitation is to occur along with a list of 3 alternate locations listed in order of preference.

(C) The manner and conditions under which the solicitation is to occur.

(D) Proof of a valid liability insurance policy in the amount of at least $1,000,000 insuring the charity or local agency against bodily injury and property damage arising out of or in connection with the solicitation.

The county shall approve the application within 5 business days after the filing date of the application, but may impose reasonable conditions in writing that are consistent with the intent of this Section and are based on articulated public safety concerns. If the county determines that the applicant's location cannot be permitted due to significant safety

concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations, or past crash history, then the county may deny the application for that location and must approve one of the 3 alternate locations following the order of preference submitted by the applicant on the alternate location list. By acting under this Section, a local agency does not waive or limit any immunity from liability provided by any other provision of law.

(b) For purposes of this Section, "local agency" means a county, special district, fire district, joint powers of authority, or other political subdivision of the State of Illinois.

(c) A home rule unit may not regulate a charitable organization in a manner that is inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 102-982, eff. 7-1-23; revised 8-23-22.)

(55 ILCS 5/5-45025)

Sec. 5-45025. Procedures for Selection.

(a) The county must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate

the technical and cost proposals.

(b) The county shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the county has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the county. The county must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The county shall include the following criteria in every Phase I evaluation of design-build entities: (i) experience of personnel; (ii) successful experience with similar project types; (iii) financial capability; (iv) timeliness of past performance; (v) experience with similarly sized projects; (vi) successful reference checks of the firm; (vii) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (viii) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act. The county may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The county may not consider any design-build entity for

evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including, but not limited to, long-term leasehold, mutual performance, or development contracts with the county, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. No proposal shall be considered that does not include an entity's plan to comply with the requirements established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, for both the design and construction areas of performance, and with Section 2-105 of the Illinois Human Rights Act.

Upon completion of the qualifications evaluation, the county shall create a shortlist of the most highly qualified design-build entities. The county, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided that no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

The county shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The county must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the county.

(c) The county shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the county. The county must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The county shall include the following criteria in every Phase II technical evaluation of design-build entities: (i) compliance with objectives of the project; (ii) compliance of proposed services to the request for proposal requirements; (iii) quality of products or materials proposed; (iv) quality of design parameters; (v) design concepts; (vi) innovation in meeting the scope and performance criteria; and (vii) constructability of the proposed project. The county may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The county shall include the following criteria in every Phase II cost evaluation: the total project cost, the construction costs, and the time of completion. The county may include any additional relevant technical evaluation factors it deems necessary for proper selection. The total project cost criteria weighting ~~weighing~~ factor shall not exceed 30%.

The county shall directly employ or retain a licensed

design professional or a public art designer to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards. Upon completion of the technical submissions and cost submissions evaluation, the county may award the design-build contract to the highest overall ranked entity.

(Source: P.A. 102-954, eff. 1-1-23; revised 12-16-22.)

(55 ILCS 5/6-30002) (from Ch. 34, par. 6-30002)

Sec. 6-30002. Disbursement to county treasurer for distribution to appropriate recipient. Notwithstanding any other provision to the contrary, any State funds disbursed by the State, or federal funds authorized to be disbursed by the State, to any county official of a county with a population of less than 2,000,000, or to any county department, agency program or entity of ~~a~~ such county shall be disbursed only to the county treasurer of such county for distribution by the county treasurer to the appropriate county recipient. This Division shall not apply to funds disbursed by a regional superintendent of schools, a regional educational service center, or the Department of Human Services with respect to its functions pertaining to mental health and developmental disabilities.

(Source: P.A. 89-262, eff. 8-10-95; 89-507, eff. 7-1-97; revised 5-27-22.)

Section 255. The Illinois Municipal Code is amended by changing Sections 8-4-27, 8-10-17, 8-10-18, 9-2-119, 9-2-127, 10-1-29, 10-1-31, 11-1.5-5, and 11-92-1 and the heading of Division 31 of Article 11 as follows:

(65 ILCS 5/8-4-27)

(Section scheduled to be repealed on January 1, 2024)

Sec. 8-4-27. Municipal Water and Wastewater Funding Study Committee.

(a) The Municipal Water and Wastewater Funding Study Committee is established.

(b) The Committee shall be comprised of the following members, and the appointed members of the Committee shall be appointed to the Committee no later than 30 days after May 13, 2022 (the effective date of Public Act 102-865) ~~this amendatory Act of the 102nd General Assembly~~:

(1) ~~1)~~ The Governor, or his or her designee, who shall serve as chairperson.

(2) The Director of the Illinois Environmental Protection Agency, or his or her designee.

(3) One member appointed by the President of the Senate.

(4) One member appointed by the Minority Leader of the Senate.

(5) One member appointed by the Speaker of the House of Representatives.

(6) One member appointed by the Minority Leader of the House of Representatives.

(7) Members appointed by the Director of the Illinois Environmental Protection Agency as follows:

(A) one member who is a representative of a publicly owned ~~publicly-owned~~ drinking water or wastewater utility with a service population of 25,000 or less;

(B) one member who is a representative of a publicly owned ~~publicly-owned~~ drinking water or wastewater utility with a service population over 25,000 people to 125,000 people;

(C) one member who is a representative of a publicly owned ~~publicly-owned~~ drinking water or wastewater utility with a service population over 125,000 people;

(D) one member who is a representative of a statewide organization representing wastewater agencies; and

(E) one member who is a representative of a statewide organization representing drinking water agencies.

The Committee shall meet at the call of the chair. Committee members shall serve without compensation. If a vacancy occurs in the Committee membership, the vacancy shall be filled in the same manner as the original appointment for the remainder

of the Committee.

(c) The Committee shall study and make recommendations concerning any needed modifications to Illinois Environmental Protection Agency and Illinois Pollution Control Board regulations and policies as they relate to municipal water and wastewater funding to ensure that the State's revolving loan fund programs account for and prioritize the following principles, to the fullest extent allowed by federal law:

(1) A community shall not be deemed ineligible for disadvantaged community status based on size or service area of any size, with regard to special rates, loan terms, and eligibility for loan or grant funds.

(2) In determining whether a community is disadvantaged, consideration should be given to impacts of funding on water and wastewater expenses for low-income populations.

(3) In determining whether a community is eligible for funds and special rates or loan terms, environmental justice concepts should be considered.

(4) In determining how funding is allocated, a community facing water supply shortages should be considered a high priority based on urgency of need.

(5) The funding programs should promote formation and implementation of regional water partnerships.

(6) Targeted funding should be provided for addressing emerging contaminants, including PFAS.

(7) In determining eligibility for assistance, the role that the State revolving fund programs play for small communities should be understood and fully considered.

(8) Any recommendations for changes to the programs must be fully consistent with federal law and must not adversely affect any community's eligibility for loans under federal law.

(d) The Committee shall prepare a report that summarizes its work and makes recommendations resulting from its study. The Committee shall submit the report of its findings and recommendations to the Governor and the General Assembly no later than January 31, 2023. Once the Committee has submitted the report to the General Assembly and Governor, the Committee is dissolved.

(e) ~~(f)~~ This Section is repealed on January 1, 2024.

(Source: P.A. 102-865, eff. 5-13-22; revised 8-23-22.)

(65 ILCS 5/8-10-17) (from Ch. 24, par. 8-10-17)

Sec. 8-10-17. The corporate authorities of any such municipality may establish a revolving fund in such amount as may be necessary to enable the purchasing agent to purchase items of common usage in advance of immediate need, the revolving fund to be reimbursed from the annual appropriation of the requisitioning agencies. Neither the purchasing agent, nor any officer or employee ~~employe~~ of his office, nor any member of the board of standardization hereinafter provided

for, shall be financially interested, directly or indirectly, in any purchase order or contract coming under the purview of his official duties. The above named officials and employees ~~employes~~ are expressly prohibited from accepting, directly or indirectly, from any person, company, firm, or corporation to which any purchase order or contract may be awarded, any rebate, gift, money, or anything of value whatsoever. Any officer or employee ~~employe~~, as above defined, convicted of violating this Section ~~section,~~ shall be guilty of a business offense and shall be fined not to exceed $10,000 and shall forfeit the right to his public office, trust, or employment and shall be removed therefrom.

(Source: P.A. 77-2500; revised 8-23-22.)

(65 ILCS 5/8-10-18) (from Ch. 24, par. 8-10-18)

Sec. 8-10-18. No department, office, institution, commission, board, agency, or instrumentality of any such municipality, or any officer or employee ~~employe~~ thereof, shall be empowered to execute any purchase order or contract as defined in Section 8-10-3 except as herein specifically authorized, but all such purchase orders or contracts shall be executed by the purchasing agent in conformity with the provisions of this Division 10.

(Source: Laws 1961, p. 576; revised 8-23-22.)

(65 ILCS 5/9-2-119) (from Ch. 24, par. 9-2-119)

Sec. 9-2-119. For the purpose of anticipating the collection of the second and succeeding installments, provided for in this Division 2, a municipality may issue bonds, payable out of these installments, bearing interest at a rate specified in the ordinance referred to in Section 9-2-10 ~~2-9-10~~ of this ~~the Illinois Municipal~~ Code and not more than the rate the installments of the assessment against which the bonds are issued bear, payable annually and signed by such officers as may be by ordinance prescribed. Bonds shall be issued in sums of $100, or some multiple thereof, and shall be dated and draw interest from the date of their issuance. Each bond shall state on its face out of which installment it is payable, and shall state, by number or other designation, the assessment to which that installment belongs. The principal of these bonds shall not exceed, in the aggregate, the amount of the deferred installments, and shall be divided into as many series as there are deferred installments.

However, if there is a surplus to the credit of any such installment which is not required for the payment of any vouchers or bonds issued against that installment, that surplus shall be applied toward the payment of any outstanding vouchers or bonds already issued or to be issued, as the case may be, against any other installment or installments.

Each series shall become due at some time in the year in which the corresponding installment will mature, the date to conform, as nearly as may be, to the time when that installment

will be actually collected. This time shall be estimated and determined by the municipal officers issuing the bonds. But it is lawful to provide in the case of any one or more of the bonds in any series, that that bond or bonds shall not become due until some subsequent date, not later than December 31 next succeeding the January in which the installment against which that series is issued will mature.

The bonds may be in the following form:

State of Illinois)

) ss

County of .....)

$..... Series No. .....

Bond No. .....

..... of .....

Improvement Bond

The .... of .... in .... County, Illinois, for value received, promises to pay to the bearer on (insert date) the sum of .... dollars, with interest thereon from date hereof, at the rate of ....%, payable annually on presentation of the coupons hereto annexed.

Both principal and interest of this bond are payable at the office of the treasurer of said .... of .....

This bond is issued to anticipate the collection of a part of the .... installment of special assessment No. .... levied for the purpose of .... which installment bears interest from

(insert date), and this bond and the interest thereon are payable solely out of the installment when collected.

Dated (insert date).

The bond may have coupons attached to represent the interest to accrue thereon.

In lieu of the bonds described in this Section, a municipality may issue bonds of the type described in Section 9-2-127, but all bonds issued under any one special assessment proceeding must be of the same type.

Public Act 77-1185 ~~This amendatory Act of 1971~~ is not a limit upon any municipality which is a home rule unit.

(Source: P.A. 91-357, eff. 7-29-99; revised 2-28-22.)

(65 ILCS 5/9-2-127) (from Ch. 24, par. 9-2-127)

Sec. 9-2-127. In lieu of the bonds authorized in Section 9-2-119, the municipality upon the written request of the holders of all of the outstanding and unpaid vouchers issued in payment of the work, may issue and deliver to such voucher holders, in exchange for such vouchers, bonds provided for in this Section 9-2-127, provided that prior to the receipt of such request the municipality has not issued or has not made any commitment to issue any bonds the funds from which are to be used toward paying such outstanding and unpaid vouchers in full. The bonds shall be dated as of and shall draw interest from the date of their issuance, except when issued in

exchange for vouchers theretofore issued in payment of the work. In such latter case the bonds shall be issued in the principal amount of the unpaid balance of the vouchers and shall bear the same date as the vouchers for which they are exchanged or the date to which interest was last paid on the vouchers, and the bonds shall draw interest from such date. The bonds shall be issued at not less than their par value. The bonds shall be executed by such officers as may be prescribed by ordinance of such municipality, with the corporate seal attached. The bonds shall bear interest at a rate specified in the ordinance referred to in Section 9-2-10 ~~2-9-10~~ of this ~~the Illinois Municipal~~ Code and of not more than the rate the installments of the assessment against which the bonds are issued bear. The bonds shall recite specifically that they are payable solely and only from the assessment levied for the payment of the cost of the improvement, designating the improvement for which the assessment has been levied, and shall mature on or before December 31 next succeeding the January 2 on which the last installment shall mature. Interest coupons attached to the bonds shall bear the official or facsimile signatures of the same officers who signed the bonds and shall be made payable at the office of the treasurer of the municipality. The bonds shall be numbered consecutively beginning with number one upwards and shall be payable in their numerical order and redeemable prior to maturity in numerical order as hereinafter provided. Each of the bonds

issued pursuant to this Section 9-2-127 shall bear a legend on the face of the bond printed in bold face type and in a paragraph by itself to the effect that the bond is one of a series of bonds which are to be paid and redeemed in numerical order and not on a pro-rata basis.

As used in this Section and in Sections 9-2-128 and 9-2-129, "treasurer" with respect to municipalities in which a comptroller is elected or appointed means treasurer or comptroller.

Public Act 77-1185 ~~This amendatory Act of 1971~~ is not a limit upon any municipality which is a home rule unit.

(Source: P.A. 82-642; revised 2-28-22.)

(65 ILCS 5/10-1-29) (from Ch. 24, par. 10-1-29)

Sec. 10-1-29. No person shall, in any room or building occupied for the discharge of official duties by any officer or employee ~~employe~~ in any municipality which adopts this Division 1, solicit, orally or by written communication, delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk, or employee under the government of such municipality, who may have charge or control of any building, office, or room, occupied for any purpose of such government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for receiving or giving

notice of any political assessments.

(Source: Laws 1961, p. 3252; revised 8-23-22.)

(65 ILCS 5/10-1-31) (from Ch. 24, par. 10-1-31)

Sec. 10-1-31. No officer or employee of such municipality shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employee ~~employe~~, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of any money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

(Source: Laws 1961, p. 3252; revised 8-23-22.)

(65 ILCS 5/11-1.5-5)

(Section scheduled to be repealed on January 1, 2029)

Sec. 11-1.5-5. Definitions. As used in this Division ~~Section~~:

"Department" means the East St. Louis Police Department, the Peoria Police Department, the Springfield Police Department, or the Waukegan Police Department.

"Social Worker" means a licensed clinical social worker or licensed social worker, as those terms are defined in the Clinical Social Work and Social Work Practice Act.

"Station adjustment" has the meaning given to that term in Section 1-3 of the Juvenile Court Act of 1987.

"Unit" means a co-responder unit created under this Division.

(Source: P.A. 102-756, eff. 5-10-22; revised 8-23-22.)

(65 ILCS 5/Art. 11 Div. 31 heading)

DIVISION 31. UNSAFE PROPERTY~~.~~

(65 ILCS 5/11-92-1) (from Ch. 24, par. 11-92-1)

Sec. 11-92-1. "Harbor", as used in this Division 92, includes harbors, marinas, slips, docks, piers, breakwaters, and all buildings, structures, facilities, connections, equipment, parking areas, and all other improvements for use in connection therewith.

"Public water" has the ~~same~~ meaning ~~as~~ ascribed to that term in Section 18 of the Rivers, Lakes, and Streams Act ~~"An Act in relation to the regulation of rivers, lakes and streams of the State of Illinois", approved June 10, 1911, as heretofore and hereafter amended~~.

"Artificially made or reclaimed land" includes all land which formerly was submerged under the public waters of the State ~~state~~, the title to which is in the State ~~state~~, and which has been artificially made or reclaimed in whole or in part.

(Source: Laws 1961, p. 576; revised 2-28-22.)

Section 260. The Forest Preserve District and Conservation

District Design-Build Authorization Act is amended by changing Section 25 as follows:

(70 ILCS 860/25)

Sec. 25. Procedures for selection.

(a) The forest preserve district or conservation district must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The forest preserve district or conservation district shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the forest preserve district or conservation district has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the forest preserve district or conservation district. The forest preserve district or conservation district must maintain a record of the evaluation scoring to be disclosed in the event of a protest regarding the solicitation.

The forest preserve district or conservation district shall include the following criteria in every Phase I evaluation of design-build entities: (i) experience of

personnel; (ii) successful experience with similar project types; (iii) financial capability; (iv) timeliness of past performance; (v) experience with similarly sized projects; (vi) successful reference checks of the firm; (vii) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (viii) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act. The forest preserve district or conservation district may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The forest preserve district or conservation district may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including, but not limited to, long-term leasehold, mutual performance, or development contracts with the forest preserve district or conservation district, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. No proposal shall be considered that does not include an entity's plan to comply with the requirements

established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, for both the design and construction areas of performance, and with Section 2-105 of the Illinois Human Rights Act.

Upon completion of the qualifications evaluation, the forest preserve district or conservation district shall create a shortlist of the most highly qualified design-build entities. The forest preserve district or conservation district, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided that no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

The forest preserve district or conservation district shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The forest preserve district or conservation district must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the forest preserve district or conservation district.

(c) The forest preserve district or conservation district shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission

components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the forest preserve district or conservation district. The forest preserve district or conservation district must maintain a record of the evaluation scoring to be disclosed in the event of a protest regarding the solicitation.

The forest preserve district or conservation district shall include the following criteria in every Phase II technical evaluation of design-build entities: (i) compliance with objectives of the project; (ii) compliance of proposed services to the request for proposal requirements; (iii) quality of products or materials proposed; (iv) quality of design parameters; (v) design concepts; (vi) innovation in meeting the scope and performance criteria; and (vii) constructability of the proposed project. The forest preserve district or conservation district may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The forest preserve district or conservation district shall include the following criteria in every Phase II cost evaluation: the total project cost, the construction costs, and the time of completion. The forest preserve or conservation district may include any additional relevant technical evaluation factors it deems necessary for proper selection. The total project cost criteria weighting ~~weighing~~

factor shall not exceed 30%.

The forest preserve or conservation district shall directly employ or retain a licensed design professional or a public art designer to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

Upon completion of the technical submissions and cost submissions evaluation, the forest preserve or conservation district may award the design-build contract to the highest overall ranked entity.

(Source: P.A. 102-460, eff. 6-1-22; revised 2-28-22.)

Section 265. The Park Annuity and Benefit Fund Civil Service Act is amended by changing Section 23 as follows:

(70 ILCS 1215/23) (from Ch. 24 1/2, par. 136)

Sec. 23. No person shall solicit, orally or in writing, or be in any manner concerned in soliciting any assessment, contribution, or payment for any party or political purpose whatever from any officer or employee ~~employe~~ in the classified civil service.

(Source: Laws 1939, p. 418; revised 9-2-22.)

Section 270. The Chicago Park District Act is amended by changing Section 14 as follows:

(70 ILCS 1505/14) (from Ch. 105, par. 333.14)

Sec. 14. Civil service. The Park System Civil Service Act shall apply to the Chicago Park District, and upon the coming into effect of this Act ~~act~~ there shall be appointed but one Director of Human Resources and but one civil service board for such district.

Every officer and employee ~~employe~~ in the classified civil service at the time this Act takes effect shall be assigned to a position having, so far as possible, duties equivalent to his former office or employment, and such officers and employees ~~employes~~ shall have the same standing, grade, and privilege which they respectively had in the districts from which they were transferred, subject, however, to existing and future civil service laws. This Section shall not be construed to require the retention of more officers and employees ~~employes~~ than are necessary to the proper performance of the functions of the Chicago Park District and the rules of the civil service board made in pursuance of the civil service law shall control in the making of layoffs and reinstatements of such officers and employees ~~employes~~ as are not necessary to be retained. This Act ~~act~~ shall in no way be construed to affect the operation of Article 5 or Article 12 of the Illinois Pension Code nor to affect the rights of employees to pensions or annuities nor any taxes authorized to be levied therefor. In the case of employees ~~employes~~ and policemen of superseded park districts not having annuity benefit funds retained as

employees ~~employes~~ or policemen of the Chicago Park District such employees ~~employes~~ and policemen shall have the right to enter as new employees ~~employes~~ and policemen.

(Source: P.A. 91-918, eff. 7-7-00; revised 2-5-23.)

Section 275. The Joliet Regional Port District Act is amended by changing Section 7 as follows:

(70 ILCS 1825/7) (from Ch. 19, par. 257)

Sec. 7. The District has power to procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employers' liability, against any act of any member, officer, or employee ~~employe~~ of the District in the performance of the duties of his office or employment or any other insurable risk.

(Source: Laws 1957, p. 1302; revised 9-2-22.)

Section 280. The Metropolitan Water Reclamation District Act is amended by changing Section 11.19 as follows:

(70 ILCS 2605/11.19) (from Ch. 42, par. 331.19)

Sec. 11.19. No department, office, agency or instrumentality, officer or employee ~~employe~~ of the sanitary district, shall be empowered to execute any purchase order or

contract except as expressly authorized by this Act.

(Source: Laws 1963, p. 2498; revised 9-2-22.)

Section 285. The Illinois Local Library Act is amended by changing Section 5-2 as follows:

(75 ILCS 5/5-2) (from Ch. 81, par. 5-2)

Sec. 5-2. If the corporate authorities approve the action of the library board under Section 5-1, they may, by ordinance, or by resolution in the case of a township, provide that the bonds of the city, village, incorporated town or township be issued for the payment of the cost (so estimated as aforesaid) of constructing a building, or remodeling, repairing, improving an existing library building or the erection of an addition thereto, or purchasing a building, site or equipment, or the acquisition of library materials such as books, periodicals, recordings and electronic data storage and retrieval facilities in connection with either the purchase or construction of a new library building or the expansion of an existing library building, or any or all of these things in which event the ordinance or resolution shall also state the time or times when such bonds, and the interest thereon shall become payable. However, the whole of the principal of such bonds and the interest thereon shall be payable within 20 years, and the interest on such bonds shall not exceed the rate permitted in the Bond Authorization Act

~~"An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended~~. The interest may be made payable at such times (annually or semi-annually) as the ordinance or resolution may prescribe. In case the corporate authorities provide for such payment by the issuance of bonds, they shall make provision at or before the issuance thereof, by ordinance or by resolution in the case of a township, which shall be irrepealable, for the levy and collection of a direct annual tax upon all the taxable property within such city, village, incorporated town or township sufficient to meet the principal and interest of the bonds as they mature, which tax shall be in addition to that otherwise authorized to be levied and collected for corporate purposes.

If, however, the corporate authorities do not provide that the bonds of the city, village, incorporated town or township be issued, but otherwise approve the action of the library board, then the library board shall divide the total cost of constructing and financing a building, or remodeling, repairing, improving an existing library building or the erection of an addition thereto, or purchasing and financing a building, site or equipment, or the acquisition of library materials such as books, periodicals, recordings and electronic data storage and retrieval facilities in connection

with either the purchase or construction of a new library building or the expansion of an existing library building, or any or all of these things, into as many parts as the trustees determine to spread the collection thereof, and shall certify the amount of one of these parts to the corporate authorities each year during the term over which the trustees have determined to spread the collection. This action by the library board ~~Board~~ shall be irrepealable. The library board shall specify in its certificate the portion, if any, of the amount to be included in the annual appropriation and library tax levy, and the amount of the special tax required to pay the same as has been approved by the voters.

(Source: P.A. 84-770; revised 5-27-22.)

Section 290. The School Code is amended by changing Sections 2-3.195, 10-20.13, 10-21.9, 10-22.24b, 13-40, 13B-20.5, 18-8.15, 21B-20, 21B-45, 24-6, 26-2, 27-22, 27A-5, 34-18.5, and 34-21.6 and by setting forth, renumbering, and changing multiple versions of Section 10-20.83 and 34-18.78 as follows:

(105 ILCS 5/2-3.195)

Sec. 2-3.195. Direct support professional training program. Beginning with the 2025-2026 school year and continuing for not less than 2 years, the State Board of Education shall make available a model program of study that

incorporates the training and experience necessary to serve as a direct support professional. By July 1, 2023, the State Board shall submit recommendations developed in consultation with stakeholders, including, but not limited to, organizations representing community-based providers serving children and adults with intellectual or developmental disabilities, and education practitioners, including, but not limited to, teachers, administrators, special education directors, and regional superintendents of schools, to the Department of Human Services for the training that would be required in order to ~~be~~ complete the model program of study. (Source: P.A. 102-874, eff. 1-1-23; revised 12-16-22.)

(105 ILCS 5/10-20.13)

Sec. 10-20.13. Textbooks for children of parents unable to buy them; waiver of ~~and other~~ fees and fines.

(a) To purchase, at the expense of the district, a sufficient number of textbooks for children whose parents are unable to buy them, including, but not limited to, children living in households that meet the free lunch or breakfast eligibility guidelines established by the federal government pursuant to Section 1758 of the federal Richard B. Russell National School Lunch Act (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et seq.) and homeless children and youth as defined in Section 11434a of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), subject to verification as set forth in

subsection (c) of this Section. Such textbooks shall be loaned only, and the directors shall require the teacher to see that they are properly cared for and returned at the end of each term of school.

(b) To waive all fees and any fines for the loss of school property assessed by the district on children whose parents are unable to afford them, including, but not limited to:

(1) children living in households that meet the free lunch or breakfast eligibility guidelines established by the federal government pursuant to Section 1758 of the federal Richard B. Russell National School Lunch Act (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et seq.) and students whose parents are veterans or active duty military personnel with income at or below 200% of the federal poverty line, subject to verification as set forth in subsection (c) of this Section, and

(2) homeless children and youth as defined in Section 11434a of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

Notice of waiver availability shall be given to parents or guardians with every bill for fees or fines. The school board shall adopt written policies and procedures for such waiver of fees in accordance with regulations promulgated by the State Board of Education.

(c) Any school board that participates in a federally funded, school-based child nutrition program and uses a

student's application for, eligibility for, or participation in the federally funded, school-based child nutrition program (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et seq.) as the basis for waiving fees assessed by the school district must follow the verification requirements of the federally funded, school-based child nutrition program (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245.6a).

A school board that establishes a process for the determination of eligibility for waiver of fees assessed by the school district that is completely independent of a student's application for, eligibility for, or participation in a federally funded, school-based child nutrition program may provide for fee waiver verification no more often than once per academic year. Information obtained during the independent, fee waiver verification process indicating that the student does not meet free lunch or breakfast eligibility guidelines may be used to deny the waiver of the student's fees or fines for the loss of school property, provided that any information obtained through this independent process for determining or verifying eligibility for fee waivers shall not be used to determine or verify eligibility for any federally funded, school-based child nutrition program. This subsection shall not preclude children from obtaining waivers at any point during the academic year.

(Source: P.A. 102-805, eff. 1-1-23; 102-1032, eff. 5-27-22; revised 12-13-22.)

(105 ILCS 5/10-20.83)

Sec. 10-20.83. COVID-19 paid administrative leave.

(a) In this Section:

"Employee" means a person employed by a school district on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

"Fully vaccinated against COVID-19" means:

(1) 2 weeks after receiving the second dose in a 2-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the United States Food and Drug Administration; or

(2) 2 weeks after receiving a single dose of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the United States Food and Drug Administration.

"Fully vaccinated against COVID-19" also includes any recommended booster doses for which the individual is eligible upon the adoption by the Department of Public Health of any changes made by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services to the definition of "fully vaccinated against COVID-19" to include any such booster doses. For purposes of this Section, individuals who are eligible for a booster dose but have not received a booster dose by 5 weeks after the Department of Public Health adopts a revised definition of "fully vaccinated

against COVID-19" are not considered fully vaccinated for determining eligibility for future paid administrative leave pursuant to this Section.

"School district" includes charter schools established under Article 27A of this Code, but does not include the Department of Juvenile Justice School District.

(b) During any time when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and a school district, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the school district from being on school district property because the employee (i) has a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19, (ii) has a probable COVID-19 diagnosis via an antigen diagnostic test, (iii) has been in close contact with a person who had a confirmed case of COVID-19 and is required to be excluded from the school, or (iv) is required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms, the employee of the school district shall receive as many days of administrative leave as required to abide by the public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the

exclusive bargaining representative if any. Such leave shall be provided to an employee for any days for which the employee was required to be excluded from school property prior to April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~, provided that the employee receives all doses required to meet the definition of "fully vaccinated against COVID-19" under this Section no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

(c) An employee of a school district shall receive paid administrative leave pursuant to subsection (b) of this Section, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative if any, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test;

(3) been in close contact with a person who has a confirmed case of COVID-19 and is required to be excluded from school; or

(4) been required by the school or school district

policy to be excluded from school district property due to COVID-19 symptoms.

Such leave shall be provided to an employee for any days needed to care for a child of the employee prior to April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~, provided that the employee receives the doses required to meet the definition of "fully vaccinated against COVID-19" under this Section no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

(d) An employee of a school district who is on paid administrative leave pursuant to this Section must provide all documentation requested by the school board.

(e) An employee of a school district who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section may not diminish any other leave or benefits of the employee.

(f) An employee of a school district may not accrue paid administrative leave pursuant to this Section.

(g) For an employee of a school district to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received all required doses to be fully vaccinated against COVID-19, as defined in this Section;

and

(2) participate in the COVID-19 testing program adopted by the school district to the extent such a testing program requires participation by individuals who are fully vaccinated against COVID-19.

(h) Nothing in this Section is intended to affect any right or remedy under federal law.

(i) No paid administrative leave awarded to or used by a fully vaccinated employee prior to the Department of Public Health's adoption of a revised definition of the term "fully vaccinated against COVID-19" may be rescinded on the basis that the employee no longer meets the definition of "fully vaccinated against COVID-19" based on the revised definition.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-3-22.)

(105 ILCS 5/10-20.84)

Sec. 10-20.84 ~~10-20.83~~. College and career readiness systems.

(a) Subject to subsection (d) of this Section, by July 1, 2025, a school district that enrolls students in any of grades 6 through 12 shall adopt and commence implementation of career exploration and career development activities in accordance with a postsecondary and career expectations framework for each of grades 6 through 12 served by the district that substantially aligns to the model framework adopted by State agencies pursuant to Section 15 of the Postsecondary and

Workforce Readiness Act. The local postsecondary and career expectations framework shall be available on a prominent location on the school district's website.

The career exploration and career development activities offered in alignment with the postsecondary and career expectations framework shall prepare students enrolled in grades 6 through 12 to make informed plans and decisions about their future education and career goals, including possible participation in a career and technical education pathway, by providing students with opportunities to explore a wide variety of high-skill, high-wage, and in-demand career fields.

(b) By no later than July 1, 2025, a school district that enrolls students in any of grades 9 through 12 shall either elect to implement College and Career Pathway Endorsements in accordance with subsection (c) of this Section or opt out of implementation in accordance with subsection (d) of this Section.

(c) A school district that enrolls students in any of grades 9 through 12 electing to implement College and Career Pathway Endorsements shall become an eligible school district and either (i) independently, (ii) through an area career center, or (iii) through an inter-district cooperative, award College and Career Pathway Endorsements pursuant to the Postsecondary and Workforce Readiness Act and pursuant to the following schedule:

(1) for the high school graduating class of 2027, a

school district shall offer College and Career Pathway Endorsements in at least one endorsement area;

(2) for the high school graduating class of 2029, a school district shall offer College and Career Pathway Endorsements in at least 2 endorsement areas; and

(3) for the high school graduating class of 2031, a school district with a grade 9 through 12 enrollment of more than 350 students, as calculated by the State Board of Education for the 2022-2023 school year, shall offer College and Career Pathway Endorsements in at least 3 endorsement areas.

A school district may elect to implement College and Career Pathway Endorsements by July 1, 2025, either by submitting the necessary application materials to the State Board of Education to award the number of endorsements required by this subsection or by the school board of the district adopting a timeline for implementation consistent with the requirements of this subsection.

(d) The school board of any school district may, by action of the board, opt out of implementation of all or any part of this Section through adoption of a set of findings that considers the following:

(1) the school district's current systems for college and career readiness;

(2) the school district's cost of implementation balanced against the potential benefits to students and

families through improved postsecondary education and career outcomes;

(3) the willingness and capacity of local businesses to partner with the school district for successful implementation of pathways other than education;

(4) the willingness of institutions of higher education to partner with the school district for successful implementation of the pathway and whether the district has sought and established a partnership agreement with a community college district incorporating the provisions of the Model Partnership Agreement under the Dual Credit Quality Act;

(5) the availability of a statewide database of participating local business partners, as provided under the Postsecondary and Workforce Readiness Act, for the purpose of career readiness and the accessibility of those work experiences and apprenticeships listed in the database to the students of the school district; and

(6) the availability of properly licensed teachers or teachers meeting faculty credential standards for dual credit courses to instruct in the program required for the endorsement areas.

A school district must report its board findings and decision on implementation to the State Board of Education. A school district electing to opt out of implementation may reverse its decision in whole or in part at any time.

(e) The State Board of Education may adopt any rules necessary to implement this Section.

(Source: P.A. 102-917, eff. 1-1-23; revised 1-10-23.)

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

(Text of Section before amendment by P.A. 102-702)

Sec. 10-21.9. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database.

(a) Licensed and nonlicensed applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any disqualifying, enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school

district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police. The regional superintendent submitting the requisite information to the Illinois State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Illinois State

Police shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent, except that those applicants seeking employment as a substitute teacher with a school district may be charged a fee not to exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant. The check of the Statewide Sex Offender Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law, for each applicant. The check of the Murderer and Violent Offender Against Youth Database must be conducted by the

school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Illinois State Police by the regional superintendent, the State Board of Education and a school district as authorized under subsection (b-5), the State Superintendent of Education, the State Educator Preparation and Licensure Board, any other person necessary to the decision of hiring the applicant for employment, or for clarification purposes the Illinois State Police or Statewide Sex Offender Database, or both. A copy of the record of convictions obtained from the Illinois State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than

one school district was requested by the regional superintendent, and the Illinois State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Illinois State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional

superintendent conducted a check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the applicant has not been identified in the Database. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Illinois State Police and its own check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database as provided in this Section. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

(b-5) If a criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database is performed by a regional superintendent for an applicant seeking employment as a substitute teacher with a school district, the regional superintendent may disclose to the State Board of Education whether the applicant has been issued a certificate under subsection (b) based on those checks. If the State Board receives information on an applicant under this subsection, then it must indicate in the Educator Licensure Information System for a 90-day period that the applicant has been issued or has not been issued a certificate.

(c) No school board shall knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. As a condition of employment, each school board must consider the status of a person who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(d) No school board shall knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check have not been initiated.

(e) Within 10 days after a superintendent, regional office of education, or entity that provides background checks of license holders to public schools receives information of a pending criminal charge against a license holder for an offense set forth in Section 21B-80 of this Code, the superintendent, regional office of education, or entity must notify the State Superintendent of Education of the pending criminal charge.

If permissible by federal or State law, no later than 15

business days after receipt of a record of conviction or of checking the Statewide Murderer and Violent Offender Against Youth Database or the Statewide Sex Offender Database and finding a registration, the superintendent of the employing school board or the applicable regional superintendent shall, in writing, notify the State Superintendent of Education of any license holder who has been convicted of a crime set forth in Section 21B-80 of this Code. Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any license issued pursuant to Article 21B or Section 34-8.1 of this Code, the State Superintendent of Education may initiate licensure suspension and revocation proceedings as authorized by law. If the receipt of the record of conviction or finding of child abuse is received within 6 months after the initial grant of or renewal of a license, the State Superintendent of Education may rescind the license holder's license.

(e-5) The superintendent of the employing school board shall, in writing, notify the State Superintendent of Education and the applicable regional superintendent of schools of any license holder whom he or she has reasonable cause to believe has committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, and that act resulted in the license holder's dismissal or resignation from the school district. This notification must be submitted within 30 days

after the dismissal or resignation and must include the Illinois Educator Identification Number (IEIN) of the license holder and a brief description of the misconduct alleged. The license holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the regional superintendent of schools, the State Superintendent of Education, the State Board of Education, or the State Educator Preparation and Licensure Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21B of this Code, (ii) pursuant to a court order, (iii) for disclosure to the license holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other

transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Illinois State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(f-5) Upon request of a school or school district, any information obtained by a school district pursuant to subsection (f) of this Section within the last year must be made available to the requesting school or school district.

(g) Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in the public schools, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment

of the costs of the check must be furnished by the student teacher to the school district where the student teaching is to be completed. Upon receipt of this authorization and payment, the school district shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check. The Illinois State Police shall charge the school district a fee for conducting the check, which fee must not exceed the cost of the inquiry and must be deposited into the State Police Services Fund. The school district shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. No school board may knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the district.

A copy of the record of convictions obtained from the Illinois State Police must be provided to the student teacher. Any information concerning the record of convictions obtained by the president of the school board is confidential and may only be transmitted to the superintendent of the school district or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Illinois State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

No school board shall knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to subsection (c) of Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, no school board shall allow a person to student teach if he or she has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. Each school board must consider the status of a person to student teach who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(h) (Blank).

(Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff. 1-1-22; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 102-1071, eff. 6-10-22.)

(Text of Section after amendment by P.A. 102-702)

Sec. 10-21.9. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database.

(a) Licensed and nonlicensed applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any disqualifying, enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent

part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police. The regional superintendent submitting the requisite information to the Illinois State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check, or to the regional

superintendent who requested the check. The Illinois State Police shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent, except that those applicants seeking employment as a substitute teacher with a school district may be charged a fee not to exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant. The check of the Statewide Sex Offender Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law, for each applicant. The check of the Murderer and Violent

Offender Against Youth Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Illinois State Police by the regional superintendent, the State Board of Education and a school district as authorized under subsection (b-5), the State Superintendent of Education, the State Educator Preparation and Licensure Board, any other person necessary to the decision of hiring the applicant for employment, or for clarification purposes the Illinois State Police or Statewide Sex Offender Database, or both. A copy of the record of convictions obtained from the Illinois State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database. If a check of an applicant for employment as a substitute or concurrent part-time teacher or

concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Illinois State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Illinois State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and

evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the applicant has not been identified in the Database. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Illinois State Police and its own check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database as provided in this Section. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

(b-5) If a criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database is performed by a regional superintendent for an applicant seeking employment as a substitute teacher with a school district, the regional superintendent may disclose to the State Board of Education whether the applicant has been issued a certificate under subsection (b) based on those checks. If the State Board receives information on an applicant under this subsection, then it must indicate in the Educator Licensure Information System for a 90-day period that the applicant has been issued

or has not been issued a certificate.

(c) No school board shall knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. As a condition of employment, each school board must consider the status of a person who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(d) No school board shall knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check have not been initiated.

(e) Within 10 days after a superintendent, regional office of education, or entity that provides background checks of license holders to public schools receives information of a pending criminal charge against a license holder for an offense set forth in Section 21B-80 of this Code, the superintendent, regional office of education, or entity must notify the State Superintendent of Education of the pending criminal charge.

If permissible by federal or State law, no later than 15 business days after receipt of a record of conviction or of checking the Statewide Murderer and Violent Offender Against Youth Database or the Statewide Sex Offender Database and finding a registration, the superintendent of the employing school board or the applicable regional superintendent shall, in writing, notify the State Superintendent of Education of any license holder who has been convicted of a crime set forth in Section 21B-80 of this Code. Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any license issued pursuant to Article 21B or Section 34-8.1 of this Code, the State Superintendent of Education may initiate licensure suspension and revocation proceedings as authorized by law. If the receipt of the record of conviction or finding of child abuse is received within 6 months after the initial grant of or renewal of a license, the State Superintendent of Education may rescind the license holder's license.

(e-5) The superintendent of the employing school board shall, in writing, notify the State Superintendent of Education and the applicable regional superintendent of schools of any license holder whom he or she has reasonable cause to believe has committed (i) an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, or (ii) an act of sexual misconduct, as defined in Section 22-85.5 of this Code, and

that act resulted in the license holder's dismissal or resignation from the school district. This notification must be submitted within 30 days after the dismissal or resignation and must include the Illinois Educator Identification Number (IEIN) of the license holder and a brief description of the misconduct alleged. The license holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the regional superintendent of schools, the State Superintendent of Education, the State Board of Education, or the State Educator Preparation and Licensure Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21B of this Code, (ii) pursuant to a court order, (iii) for disclosure to the license holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After January 1, 1990 the provisions of this Section

shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Illinois State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(f-5) Upon request of a school or school district, any information obtained by a school district pursuant to subsection (f) of this Section within the last year must be made available to the requesting school or school district.

(g) Prior to the commencement of any student teaching experience or required internship (which is referred to as

student teaching in this Section) in the public schools, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the school district where the student teaching is to be completed. Upon receipt of this authorization and payment, the school district shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check. The Illinois State Police shall charge the school district a fee for conducting the check, which fee must not exceed the cost of the inquiry and must be deposited into the State Police Services Fund. The school district shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. No school board may knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex

Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the district.

A copy of the record of convictions obtained from the Illinois State Police must be provided to the student teacher. Any information concerning the record of convictions obtained by the president of the school board is confidential and may only be transmitted to the superintendent of the school district or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Illinois State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

No school board shall knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to subsection (c) of Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, no school board shall allow a person to student teach if he or she has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. Each school board must consider the status of a person to student teach who has been issued an indicated finding of abuse or neglect of a

child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(h) (Blank).

(Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff. 1-1-22; 102-702, eff. 7-1-23; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 102-1071, eff. 6-10-22; revised 8-24-22.)

(105 ILCS 5/10-22.24b)

Sec. 10-22.24b. School counseling services. School counseling services in public schools may be provided by school counselors as defined in Section 10-22.24a of this Code or by individuals who hold a Professional Educator License with a school support personnel endorsement in the area of school counseling under Section 21B-25 of this Code.

School counseling services may include, but are not limited to:

(1) designing and delivering a comprehensive school counseling program that promotes student achievement and wellness;

(2) incorporating the common core language into the school counselor's work and role;

(3) school counselors working as culturally skilled professionals who act sensitively to promote social justice and equity in a pluralistic society;

(4) providing individual and group counseling;

(5) providing a core counseling curriculum that serves all students and addresses the knowledge and skills appropriate to their developmental level through a collaborative model of delivery involving the school counselor, classroom teachers, and other appropriate education professionals, and including prevention and pre-referral activities;

(6) making referrals when necessary to appropriate offices or outside agencies;

(7) providing college and career development activities and counseling;

(8) developing individual career plans with students, which includes planning for post-secondary education, as appropriate, and engaging in related and relevant career and technical education coursework in high school as described in paragraph (55);

(9) assisting all students with a college or post-secondary education plan, which must include a discussion on all post-secondary education options, including 4-year colleges or universities, community colleges, and vocational schools, and includes planning for post-secondary education, as appropriate, and engaging in related and relevant career and technical education coursework in high school as described in paragraph (55);

(10) intentionally addressing the career and college

needs of first generation students;

(11) educating all students on scholarships, financial aid, and preparation of the Federal Application for Federal Student Aid;

(12) collaborating with institutions of higher education and local community colleges so that students understand post-secondary education options and are ready to transition successfully;

(13) providing crisis intervention and contributing to the development of a specific crisis plan within the school setting in collaboration with multiple stakeholders;

(14) educating students, teachers, and parents on anxiety, depression, cutting, and suicide issues and intervening with students who present with these issues;

(15) providing counseling and other resources to students who are in crisis;

(16) providing resources for those students who do not have access to mental health services;

(17) addressing bullying and conflict resolution with all students;

(18) teaching communication skills and helping students develop positive relationships;

(19) using culturally sensitive ~~culturally-sensitive~~ skills in working with all students to promote wellness;

(20) addressing the needs of undocumented students in

the school, as well as students who are legally in the United States, but whose parents are undocumented;

(21) contributing to a student's functional behavioral assessment, as well as assisting in the development of non-aversive behavioral intervention strategies;

(22) (i) assisting students in need of special education services by implementing the academic supports and social-emotional and college or career development counseling services or interventions per a student's individualized education program (IEP); (ii) participating in or contributing to a student's IEP and completing a social-developmental history; or (iii) providing services to a student with a disability under the student's IEP or federal Section 504 plan, as recommended by the student's IEP team or Section 504 plan team and in compliance with federal and State laws and rules governing the provision of educational and related services and school-based accommodations to students with disabilities and the qualifications of school personnel to provide such services and accommodations;

(23) assisting in the development of a personal educational plan with each student;

(24) educating students on dual credit and learning opportunities on the Internet;

(25) providing information for all students in the selection of courses that will lead to post-secondary

education opportunities toward a successful career;

(26) interpreting achievement test results and guiding students in appropriate directions;

(27) counseling with students, families, and teachers, in compliance with federal and State laws;

(28) providing families with opportunities for education and counseling as appropriate in relation to the student's educational assessment;

(29) consulting and collaborating with teachers and other school personnel regarding behavior management and intervention plans and inclusion in support of students;

(30) teaming and partnering with staff, parents, businesses, and community organizations to support student achievement and social-emotional learning standards for all students;

(31) developing and implementing school-based prevention programs, including, but not limited to, mediation and violence prevention, implementing social and emotional education programs and services, and establishing and implementing bullying prevention and intervention programs;

(32) developing culturally sensitive ~~culturally-sensitive~~ assessment instruments for measuring school counseling prevention and intervention effectiveness and collecting, analyzing, and interpreting data;

(33) participating on school and district committees to advocate for student programs and resources, as well as establishing a school counseling advisory council that includes representatives of key stakeholders selected to review and advise on the implementation of the school counseling program;

(34) acting as a liaison between the public schools and community resources and building relationships with important stakeholders, such as families, administrators, teachers, and board members;

(35) maintaining organized, clear, and useful records in a confidential manner consistent with Section 5 of the Illinois School Student Records Act, the Family Educational Rights and Privacy Act, and the Health Insurance Portability and Accountability Act;

(36) presenting an annual agreement to the administration, including a formal discussion of the alignment of school and school counseling program missions and goals and detailing specific school counselor responsibilities;

(37) identifying and implementing culturally sensitive ~~culturally-sensitive~~ measures of success for student competencies in each of the 3 domains of academic, social and emotional, and college and career learning based on planned and periodic assessment of the comprehensive developmental school counseling program;

(38) collaborating as a team member in Response to Intervention (RtI) and other school initiatives;

(39) conducting observations and participating in recommendations or interventions regarding the placement of children in educational programs or special education classes;

(40) analyzing data and results of school counseling program assessments, including curriculum, small-group, and closing-the-gap results reports, and designing strategies to continue to improve program effectiveness;

(41) analyzing data and results of school counselor competency assessments;

(42) following American School Counselor Association Ethical Standards for School Counselors to demonstrate high standards of integrity, leadership, and professionalism;

(43) knowing and embracing common core standards by using common core language;

(44) practicing as a culturally skilled ~~culturally-skilled~~ school counselor by infusing the multicultural competencies within the role of the school counselor, including the practice of culturally sensitive ~~culturally-sensitive~~ attitudes and beliefs, knowledge, and skills;

(45) infusing the Social-Emotional Standards, as presented in the State Board of Education standards,

across the curriculum and in the counselor's role in ways that empower and enable students to achieve academic success across all grade levels;

(46) providing services only in areas in which the school counselor has appropriate training or expertise, as well as only providing counseling or consulting services within his or her employment to any student in the district or districts which employ such school counselor, in accordance with professional ethics;

(47) having adequate training in supervision knowledge and skills in order to supervise school counseling interns enrolled in graduate school counselor preparation programs that meet the standards established by the State Board of Education;

(48) being involved with State and national professional associations;

(49) participating, at least once every 2 years, in an in-service training program for school counselors conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth, which shall include training concerning (i) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (ii) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as

needed, and (iii) implementing the school district's policies, procedures, and protocols with regard to such youth, including confidentiality; at a minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence;

(50) participating, at least every 2 years, in an in-service training program for school counselors conducted by persons with expertise in anaphylactic reactions and management;

(51) participating, at least once every 2 years, in an in-service training on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel;

(52) participating, in addition to other topics at in-service training programs, in training to identify the warning signs of mental illness and suicidal behavior in adolescents and teenagers and learning appropriate intervention and referral techniques;

(53) obtaining training to have a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS), including the nature of the disease, its causes and effects, the means of detecting it and preventing its transmission, and the availability of appropriate sources of counseling and referral and any other information that

may be appropriate considering the age and grade level of the pupils; the school board shall supervise such training and the State Board of Education and the Department of Public Health shall jointly develop standards for such training;

(54) participating in mandates from the State Board of Education for bullying education and social-emotional literacy ~~literary~~; and

(55) promoting career and technical education by assisting each student to determine an appropriate postsecondary plan based upon the student's skills, strengths, and goals and assisting the student to implement the best practices that improve career or workforce readiness after high school.

School districts may employ a sufficient number of school counselors to maintain the national and State recommended student-counselor ratio of 250 to 1. School districts may have school counselors spend at least 80% of his or her work time in direct contact with students.

Nothing in this Section prohibits other qualified professionals, including other endorsed school support personnel, from providing the services listed in this Section. (Source: P.A. 101-290, eff. 8-9-19; 102-876, eff. 1-1-23; revised 12-9-22.)

(105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

Sec. 13-40. To increase the effectiveness of the Department of Juvenile Justice and thereby to better serve the interests of the people of Illinois the following bill is presented.

Its purpose is to enhance the quality and scope of education for inmates and wards within the Department of Juvenile Justice so that they will be better motivated and better equipped to restore themselves to constructive and law-abiding ~~law abiding~~ lives in the community. The specific measure sought is the creation of a school district within the Department so that its educational programs can meet the needs of persons committed and so the resources of public education at the state and federal levels are best used, all of the same being contemplated within the provisions of the Illinois State Constitution of 1970 which provides that "A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities." Therefore, on July 1, 2006, the Department of Corrections school district shall be transferred to the Department of Juvenile Justice. It shall be responsible for the education of youth within the Department of Juvenile Justice and inmates age 21 or under within the Department of Corrections who have not yet earned a high school diploma or a State of Illinois High School Diploma, and the district may establish primary, secondary, vocational, adult, special, and advanced educational schools as provided in this Act. The Department of Corrections retains

authority as provided for in subsection (d) of Section 3-6-2 of the Unified Code of Corrections. The Board of Education for this district shall with the aid and advice of professional educational personnel of the Department of Juvenile Justice and the State Board of Education determine the needs and type of schools and the curriculum for each school within the school district and may proceed to establish the same through existing means within present and future appropriations, federal and state school funds, vocational rehabilitation grants and funds and all other funds, gifts and grants, private or public, including federal funds, but not exclusive to the said sources but inclusive of all funds which might be available for school purposes.

(Source: P.A. 102-1100, eff. 1-1-23; revised 12-9-22.)

(105 ILCS 5/13B-20.5)

Sec. 13B-20.5. Eligible activities and services. Alternative learning opportunities programs may include, without limitation, evening high school, in-school tutoring and mentoring programs, in-school suspension programs, high school completion programs to assist high school dropouts in completing their education, high school completion programs to allow students eligible for remote learning under Section 34-18.81 ~~34-18.78~~ to complete their education while incarcerated in an institution or facility of the Department of Corrections, support services, parental involvement

programs, and programs to develop, enhance, or extend the transition for students transferring back to the regular school program, an adult education program, or a post-secondary education program.

(Source: P.A. 102-966, eff. 5-27-22; revised 8-3-22.)

(105 ILCS 5/18-8.15)

Sec. 18-8.15. Evidence-Based Funding for student success for the 2017-2018 and subsequent school years.

(a) General provisions.

(1) The purpose of this Section is to ensure that, by June 30, 2027 and beyond, this State has a kindergarten through grade 12 public education system with the capacity to ensure the educational development of all persons to the limits of their capacities in accordance with Section 1 of Article X of the Constitution of the State of Illinois. To accomplish that objective, this Section creates a method of funding public education that is evidence-based; is sufficient to ensure every student receives a meaningful opportunity to learn irrespective of race, ethnicity, sexual orientation, gender, or community-income level; and is sustainable and predictable. When fully funded under this Section, every school shall have the resources, based on what the evidence indicates is needed, to:

(A) provide all students with a high quality

education that offers the academic, enrichment, social and emotional support, technical, and career-focused programs that will allow them to become competitive workers, responsible parents, productive citizens of this State, and active members of our national democracy;

(B) ensure all students receive the education they need to graduate from high school with the skills required to pursue post-secondary education and training for a rewarding career;

(C) reduce, with a goal of eliminating, the achievement gap between at-risk and non-at-risk students by raising the performance of at-risk students and not by reducing standards; and

(D) ensure this State satisfies its obligation to assume the primary responsibility to fund public education and simultaneously relieve the disproportionate burden placed on local property taxes to fund schools.

(2) The Evidence-Based Funding formula under this Section shall be applied to all Organizational Units in this State. The Evidence-Based Funding formula outlined in this Act is based on the formula outlined in Senate Bill 1 of the 100th General Assembly, as passed by both legislative chambers. As further defined and described in this Section, there are 4 major components of the

Evidence-Based Funding model:

(A) First, the model calculates a unique Adequacy Target for each Organizational Unit in this State that considers the costs to implement research-based activities, the unit's student demographics, and regional wage differences.

(B) Second, the model calculates each Organizational Unit's Local Capacity, or the amount each Organizational Unit is assumed to contribute toward its Adequacy Target from local resources.

(C) Third, the model calculates how much funding the State currently contributes to the Organizational Unit and adds that to the unit's Local Capacity to determine the unit's overall current adequacy of funding.

(D) Finally, the model's distribution method allocates new State funding to those Organizational Units that are least well-funded, considering both Local Capacity and State funding, in relation to their Adequacy Target.

(3) An Organizational Unit receiving any funding under this Section may apply those funds to any fund so received for which that Organizational Unit is authorized to make expenditures by law.

(4) As used in this Section, the following terms shall have the meanings ascribed in this paragraph (4):

"Adequacy Target" is defined in paragraph (1) of subsection (b) of this Section.

"Adjusted EAV" is defined in paragraph (4) of subsection (d) of this Section.

"Adjusted Local Capacity Target" is defined in paragraph (3) of subsection (c) of this Section.

"Adjusted Operating Tax Rate" means a tax rate for all Organizational Units, for which the State Superintendent shall calculate and subtract for the Operating Tax Rate a transportation rate based on total expenses for transportation services under this Code, as reported on the most recent Annual Financial Report in Pupil Transportation Services, function 2550 in both the Education and Transportation funds and functions 4110 and 4120 in the Transportation fund, less any corresponding fiscal year State of Illinois scheduled payments excluding net adjustments for prior years for regular, vocational, or special education transportation reimbursement pursuant to Section 29-5 or subsection (b) of Section 14-13.01 of this Code divided by the Adjusted EAV. If an Organizational Unit's corresponding fiscal year State of Illinois scheduled payments excluding net adjustments for prior years for regular, vocational, or special education transportation reimbursement pursuant to Section 29-5 or subsection (b) of Section 14-13.01 of this Code exceed the total transportation expenses, as defined in this

paragraph, no transportation rate shall be subtracted from the Operating Tax Rate.

"Allocation Rate" is defined in paragraph (3) of subsection (g) of this Section.

"Alternative School" means a public school that is created and operated by a regional superintendent of schools and approved by the State Board.

"Applicable Tax Rate" is defined in paragraph (1) of subsection (d) of this Section.

"Assessment" means any of those benchmark, progress monitoring, formative, diagnostic, and other assessments, in addition to the State accountability assessment, that assist teachers' needs in understanding the skills and meeting the needs of the students they serve.

"Assistant principal" means a school administrator duly endorsed to be employed as an assistant principal in this State.

"At-risk student" means a student who is at risk of not meeting the Illinois Learning Standards or not graduating from elementary or high school and who demonstrates a need for vocational support or social services beyond that provided by the regular school program. All students included in an Organizational Unit's Low-Income Count, as well as all English learner and disabled students attending the Organizational Unit, shall be considered at-risk students under this Section.

"Average Student Enrollment" or "ASE" for fiscal year 2018 means, for an Organizational Unit, the greater of the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 in the immediately preceding school year, plus the pre-kindergarten students who receive special education services of 2 or more hours a day as reported to the State Board on December 1 in the immediately preceding school year, or the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1, plus the pre-kindergarten students who receive special education services of 2 or more hours a day as reported to the State Board on December 1, for each of the immediately preceding 3 school years. For fiscal year 2019 and each subsequent fiscal year, "Average Student Enrollment" or "ASE" means, for an Organizational Unit, the greater of the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 and March 1 in the immediately preceding school year, plus the pre-kindergarten students who receive special education services as reported to the State Board on October 1 and March 1 in the immediately preceding school year, or the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 and March 1, plus the

pre-kindergarten students who receive special education services as reported to the State Board on October 1 and March 1, for each of the immediately preceding 3 school years. For the purposes of this definition, "enrolled in the Organizational Unit" means the number of students reported to the State Board who are enrolled in schools within the Organizational Unit that the student attends or would attend if not placed or transferred to another school or program to receive needed services. For the purposes of calculating "ASE", all students, grades K through 12, excluding those attending kindergarten for a half day and students attending an alternative education program operated by a regional office of education or intermediate service center, shall be counted as 1.0. All students attending kindergarten for a half day shall be counted as 0.5, unless in 2017 by June 15 or by March 1 in subsequent years, the school district reports to the State Board of Education the intent to implement full-day kindergarten district-wide for all students, then all students attending kindergarten shall be counted as 1.0. Special education pre-kindergarten students shall be counted as 0.5 each. If the State Board does not collect or has not collected both an October 1 and March 1 enrollment count by grade or a December 1 collection of special education pre-kindergarten students as of August 31, 2017 (the effective date of Public Act 100-465), it shall

establish such collection for all future years. For any year in which a count by grade level was collected only once, that count shall be used as the single count available for computing a 3-year average ASE. Funding for programs operated by a regional office of education or an intermediate service center must be calculated using the Evidence-Based Funding formula under this Section for the 2019-2020 school year and each subsequent school year until separate adequacy formulas are developed and adopted for each type of program. ASE for a program operated by a regional office of education or an intermediate service center must be determined by the March 1 enrollment for the program. For the 2019-2020 school year, the ASE used in the calculation must be the first-year ASE and, in that year only, the assignment of students served by a regional office of education or intermediate service center shall not result in a reduction of the March enrollment for any school district. For the 2020-2021 school year, the ASE must be the greater of the current-year ASE or the 2-year average ASE. Beginning with the 2021-2022 school year, the ASE must be the greater of the current-year ASE or the 3-year average ASE. School districts shall submit the data for the ASE calculation to the State Board within 45 days of the dates required in this Section for submission of enrollment data in order for it to be included in the ASE calculation. For fiscal year 2018 only, the ASE

calculation shall include only enrollment taken on October 1. In recognition of the impact of COVID-19, the definition of "Average Student Enrollment" or "ASE" shall be adjusted for calculations under this Section for fiscal years 2022 through 2024. For fiscal years 2022 through 2024, the enrollment used in the calculation of ASE representing the 2020-2021 school year shall be the greater of the enrollment for the 2020-2021 school year or the 2019-2020 school year.

"Base Funding Guarantee" is defined in paragraph (10) of subsection (g) of this Section.

"Base Funding Minimum" is defined in subsection (e) of this Section.

"Base Tax Year" means the property tax levy year used to calculate the Budget Year allocation of primary State aid.

"Base Tax Year's Extension" means the product of the equalized assessed valuation utilized by the county clerk in the Base Tax Year multiplied by the limiting rate as calculated by the county clerk and defined in PTELL.

"Bilingual Education Allocation" means the amount of an Organizational Unit's final Adequacy Target attributable to bilingual education divided by the Organizational Unit's final Adequacy Target, the product of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational

Unit's final Adequacy Target attributable to bilingual education shall include all additional investments in English learner students' adequacy elements.

"Budget Year" means the school year for which primary State aid is calculated and awarded under this Section.

"Central office" means individual administrators and support service personnel charged with managing the instructional programs, business and operations, and security of the Organizational Unit.

"Comparable Wage Index" or "CWI" means a regional cost differentiation metric that measures systemic, regional variations in the salaries of college graduates who are not educators. The CWI utilized for this Section shall, for the first 3 years of Evidence-Based Funding implementation, be the CWI initially developed by the National Center for Education Statistics, as most recently updated by Texas A & M University. In the fourth and subsequent years of Evidence-Based Funding implementation, the State Superintendent shall re-determine the CWI using a similar methodology to that identified in the Texas A & M University study, with adjustments made no less frequently than once every 5 years.

"Computer technology and equipment" means computers servers, notebooks, network equipment, copiers, printers, instructional software, security software, curriculum management courseware, and other similar materials and

equipment.

"Computer technology and equipment investment allocation" means the final Adequacy Target amount of an Organizational Unit assigned to Tier 1 or Tier 2 in the prior school year attributable to the additional $285.50 per student computer technology and equipment investment grant divided by the Organizational Unit's final Adequacy Target, the result of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit assigned to a Tier 1 or Tier 2 final Adequacy Target attributable to the received computer technology and equipment investment grant shall include all additional investments in computer technology and equipment adequacy elements.

"Core subject" means mathematics; science; reading, English, writing, and language arts; history and social studies; world languages; and subjects taught as Advanced Placement in high schools.

"Core teacher" means a regular classroom teacher in elementary schools and teachers of a core subject in middle and high schools.

"Core Intervention teacher (tutor)" means a licensed teacher providing one-on-one or small group tutoring to students struggling to meet proficiency in core subjects.

"CPPRT" means corporate personal property replacement tax funds paid to an Organizational Unit during the

calendar year one year before the calendar year in which a school year begins, pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

"EAV" means equalized assessed valuation as defined in paragraph (2) of subsection (d) of this Section and calculated in accordance with paragraph (3) of subsection (d) of this Section.

"ECI" means the Bureau of Labor Statistics' national employment cost index for civilian workers in educational services in elementary and secondary schools on a cumulative basis for the 12-month calendar year preceding the fiscal year of the Evidence-Based Funding calculation.

"EIS Data" means the employment information system data maintained by the State Board on educators within Organizational Units.

"Employee benefits" means health, dental, and vision insurance offered to employees of an Organizational Unit, the costs associated with the statutorily required payment of the normal cost of the Organizational Unit's teacher pensions, Social Security employer contributions, and Illinois Municipal Retirement Fund employer contributions.

"English learner" or "EL" means a child included in

the definition of "English learners" under Section 14C-2 of this Code participating in a program of transitional bilingual education or a transitional program of instruction meeting the requirements and program application procedures of Article 14C of this Code. For the purposes of collecting the number of EL students enrolled, the same collection and calculation methodology as defined above for "ASE" shall apply to English learners, with the exception that EL student enrollment shall include students in grades pre-kindergarten through 12.

"Essential Elements" means those elements, resources, and educational programs that have been identified through academic research as necessary to improve student success, improve academic performance, close achievement gaps, and provide for other per student costs related to the delivery and leadership of the Organizational Unit, as well as the maintenance and operations of the unit, and which are specified in paragraph (2) of subsection (b) of this Section.

"Evidence-Based Funding" means State funding provided to an Organizational Unit pursuant to this Section.

"Extended day" means academic and enrichment programs provided to students outside the regular school day before and after school or during non-instructional times during the school day.

"Extension Limitation Ratio" means a numerical ratio in which the numerator is the Base Tax Year's Extension and the denominator is the Preceding Tax Year's Extension.

"Final Percent of Adequacy" is defined in paragraph (4) of subsection (f) of this Section.

"Final Resources" is defined in paragraph (3) of subsection (f) of this Section.

"Full-time equivalent" or "FTE" means the full-time equivalency compensation for staffing the relevant position at an Organizational Unit.

"Funding Gap" is defined in paragraph (1) of subsection (g).

"Hybrid District" means a partial elementary unit district created pursuant to Article 11E of this Code.

"Instructional assistant" means a core or special education, non-licensed employee who assists a teacher in the classroom and provides academic support to students.

"Instructional facilitator" means a qualified teacher or licensed teacher leader who facilitates and coaches continuous improvement in classroom instruction; provides instructional support to teachers in the elements of research-based instruction or demonstrates the alignment of instruction with curriculum standards and assessment tools; develops or coordinates instructional programs or strategies; develops and implements training; chooses standards-based instructional materials; provides

teachers with an understanding of current research; serves as a mentor, site coach, curriculum specialist, or lead teacher; or otherwise works with fellow teachers, in collaboration, to use data to improve instructional practice or develop model lessons.

"Instructional materials" means relevant instructional materials for student instruction, including, but not limited to, textbooks, consumable workbooks, laboratory equipment, library books, and other similar materials.

"Laboratory School" means a public school that is created and operated by a public university and approved by the State Board.

"Librarian" means a teacher with an endorsement as a library information specialist or another individual whose primary responsibility is overseeing library resources within an Organizational Unit.

"Limiting rate for Hybrid Districts" means the combined elementary school and high school limiting rates.

"Local Capacity" is defined in paragraph (1) of subsection (c) of this Section.

"Local Capacity Percentage" is defined in subparagraph (A) of paragraph (2) of subsection (c) of this Section.

"Local Capacity Ratio" is defined in subparagraph (B) of paragraph (2) of subsection (c) of this Section.

"Local Capacity Target" is defined in paragraph (2) of

subsection (c) of this Section.

"Low-Income Count" means, for an Organizational Unit in a fiscal year, the higher of the average number of students for the prior school year or the immediately preceding 3 school years who, as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services), are eligible for at least one of the following low-income programs: Medicaid, the Children's Health Insurance Program, Temporary Assistance for Needy Families (TANF), or the Supplemental Nutrition Assistance Program, excluding pupils who are eligible for services provided by the Department of Children and Family Services. Until such time that grade level low-income populations become available, grade level low-income populations shall be determined by applying the low-income percentage to total student enrollments by grade level. The low-income percentage is determined by dividing the Low-Income Count by the Average Student Enrollment. The low-income percentage for programs operated by a regional office of education or an intermediate service center must be set to the weighted average of the low-income percentages of all of the school districts in the service region. The weighted low-income percentage is the result of multiplying the low-income percentage of each school district served by the regional office of education or intermediate service center by each school district's

Average Student Enrollment, summarizing those products and dividing the total by the total Average Student Enrollment for the service region.

"Maintenance and operations" means custodial services, facility and ground maintenance, facility operations, facility security, routine facility repairs, and other similar services and functions.

"Minimum Funding Level" is defined in paragraph (9) of subsection (g) of this Section.

"New Property Tax Relief Pool Funds" means, for any given fiscal year, all State funds appropriated under Section 2-3.170 of this Code.

"New State Funds" means, for a given school year, all State funds appropriated for Evidence-Based Funding in excess of the amount needed to fund the Base Funding Minimum for all Organizational Units in that school year.

"Nurse" means an individual licensed as a certified school nurse, in accordance with the rules established for nursing services by the State Board, who is an employee of and is available to provide health care-related services for students of an Organizational Unit.

"Operating Tax Rate" means the rate utilized in the previous year to extend property taxes for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes. For Hybrid Districts, the Operating Tax Rate shall be the

combined elementary and high school rates utilized in the previous year to extend property taxes for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

"Organizational Unit" means a Laboratory School or any public school district that is recognized as such by the State Board and that contains elementary schools typically serving kindergarten through 5th grades, middle schools typically serving 6th through 8th grades, high schools typically serving 9th through 12th grades, a program established under Section 2-3.66 or 2-3.41, or a program operated by a regional office of education or an intermediate service center under Article 13A or 13B. The General Assembly acknowledges that the actual grade levels served by a particular Organizational Unit may vary slightly from what is typical.

"Organizational Unit CWI" is determined by calculating the CWI in the region and original county in which an Organizational Unit's primary administrative office is located as set forth in this paragraph, provided that if the Organizational Unit CWI as calculated in accordance with this paragraph is less than 0.9, the Organizational Unit CWI shall be increased to 0.9. Each county's current CWI value shall be adjusted based on the CWI value of that county's neighboring Illinois counties, to create a "weighted adjusted index value". This shall be calculated

by summing the CWI values of all of a county's adjacent Illinois counties and dividing by the number of adjacent Illinois counties, then taking the weighted value of the original county's CWI value and the adjacent Illinois county average. To calculate this weighted value, if the number of adjacent Illinois counties is greater than 2, the original county's CWI value will be weighted at 0.25 and the adjacent Illinois county average will be weighted at 0.75. If the number of adjacent Illinois counties is 2, the original county's CWI value will be weighted at 0.33 and the adjacent Illinois county average will be weighted at 0.66. The greater of the county's current CWI value and its weighted adjusted index value shall be used as the Organizational Unit CWI.

"Preceding Tax Year" means the property tax levy year immediately preceding the Base Tax Year.

"Preceding Tax Year's Extension" means the product of the equalized assessed valuation utilized by the county clerk in the Preceding Tax Year multiplied by the Operating Tax Rate.

"Preliminary Percent of Adequacy" is defined in paragraph (2) of subsection (f) of this Section.

"Preliminary Resources" is defined in paragraph (2) of subsection (f) of this Section.

"Principal" means a school administrator duly endorsed to be employed as a principal in this State.

"Professional development" means training programs for licensed staff in schools, including, but not limited to, programs that assist in implementing new curriculum programs, provide data focused or academic assessment data training to help staff identify a student's weaknesses and strengths, target interventions, improve instruction, encompass instructional strategies for English learner, gifted, or at-risk students, address inclusivity, cultural sensitivity, or implicit bias, or otherwise provide professional support for licensed staff.

"Prototypical" means 450 special education pre-kindergarten and kindergarten through grade 5 students for an elementary school, 450 grade 6 through 8 students for a middle school, and 600 grade 9 through 12 students for a high school.

"PTELL" means the Property Tax Extension Limitation Law.

"PTELL EAV" is defined in paragraph (4) of subsection (d) of this Section.

"Pupil support staff" means a nurse, psychologist, social worker, family liaison personnel, or other staff member who provides support to at-risk or struggling students.

"Real Receipts" is defined in paragraph (1) of subsection (d) of this Section.

"Regionalization Factor" means, for a particular

Organizational Unit, the figure derived by dividing the Organizational Unit CWI by the Statewide Weighted CWI.

"School counselor" means a licensed school counselor who provides guidance and counseling support for students within an Organizational Unit.

"School site staff" means the primary school secretary and any additional clerical personnel assigned to a school.

"Special education" means special educational facilities and services, as defined in Section 14-1.08 of this Code.

"Special Education Allocation" means the amount of an Organizational Unit's final Adequacy Target attributable to special education divided by the Organizational Unit's final Adequacy Target, the product of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit's final Adequacy Target attributable to special education shall include all special education investment adequacy elements.

"Specialist teacher" means a teacher who provides instruction in subject areas not included in core subjects, including, but not limited to, art, music, physical education, health, driver education, career-technical education, and such other subject areas as may be mandated by State law or provided by an Organizational Unit.

"Specially Funded Unit" means an Alternative School, safe school, Department of Juvenile Justice school, special education cooperative or entity recognized by the State Board as a special education cooperative, State-approved charter school, or alternative learning opportunities program that received direct funding from the State Board during the 2016-2017 school year through any of the funding sources included within the calculation of the Base Funding Minimum or Glenwood Academy.

"Supplemental Grant Funding" means supplemental general State aid funding received by an Organizational Unit during the 2016-2017 school year pursuant to subsection (H) of Section 18-8.05 of this Code (now repealed).

"State Adequacy Level" is the sum of the Adequacy Targets of all Organizational Units.

"State Board" means the State Board of Education.

"State Superintendent" means the State Superintendent of Education.

"Statewide Weighted CWI" means a figure determined by multiplying each Organizational Unit CWI times the ASE for that Organizational Unit creating a weighted value, summing all Organizational Units' weighted values, and dividing by the total ASE of all Organizational Units, thereby creating an average weighted index.

"Student activities" means non-credit producing

after-school programs, including, but not limited to, clubs, bands, sports, and other activities authorized by the school board of the Organizational Unit.

"Substitute teacher" means an individual teacher or teaching assistant who is employed by an Organizational Unit and is temporarily serving the Organizational Unit on a per diem or per period-assignment basis to replace another staff member.

"Summer school" means academic and enrichment programs provided to students during the summer months outside of the regular school year.

"Supervisory aide" means a non-licensed staff member who helps in supervising students of an Organizational Unit, but does so outside of the classroom, in situations such as, but not limited to, monitoring hallways and playgrounds, supervising lunchrooms, or supervising students when being transported in buses serving the Organizational Unit.

"Target Ratio" is defined in paragraph (4) of subsection (g).

"Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined in paragraph (3) of subsection (g).

"Tier 1 Aggregate Funding", "Tier 2 Aggregate Funding", "Tier 3 Aggregate Funding", and "Tier 4 Aggregate Funding" are defined in paragraph (1) of subsection (g).

(b) Adequacy Target calculation.

(1) Each Organizational Unit's Adequacy Target is the sum of the Organizational Unit's cost of providing Essential Elements, as calculated in accordance with this subsection (b), with the salary amounts in the Essential Elements multiplied by a Regionalization Factor calculated pursuant to paragraph (3) of this subsection (b).

(2) The Essential Elements are attributable on a pro rata basis related to defined subgroups of the ASE of each Organizational Unit as specified in this paragraph (2), with investments and FTE positions pro rata funded based on ASE counts in excess of or less than the thresholds set forth in this paragraph (2). The method for calculating attributable pro rata costs and the defined subgroups thereto are as follows:

(A) Core class size investments. Each Organizational Unit shall receive the funding required to support that number of FTE core teacher positions as is needed to keep the respective class sizes of the Organizational Unit to the following maximum numbers:

(i) For grades kindergarten through 3, the Organizational Unit shall receive funding required to support one FTE core teacher position for every 15 Low-Income Count students in those grades and one FTE core teacher position for every 20 non-Low-Income Count students in those grades.

(ii) For grades 4 through 12, the Organizational Unit shall receive funding required to support one FTE core teacher position for every 20 Low-Income Count students in those grades and one FTE core teacher position for every 25 non-Low-Income Count students in those grades.

The number of non-Low-Income Count students in a grade shall be determined by subtracting the Low-Income students in that grade from the ASE of the Organizational Unit for that grade.

(B) Specialist teacher investments. Each Organizational Unit shall receive the funding needed to cover that number of FTE specialist teacher positions that correspond to the following percentages:

(i) if the Organizational Unit operates an elementary or middle school, then 20.00% of the number of the Organizational Unit's core teachers, as determined under subparagraph (A) of this paragraph (2); and

(ii) if such Organizational Unit operates a high school, then 33.33% of the number of the Organizational Unit's core teachers.

(C) Instructional facilitator investments. Each Organizational Unit shall receive the funding needed to cover one FTE instructional facilitator position

for every 200 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students of the Organizational Unit.

(D) Core intervention teacher (tutor) investments. Each Organizational Unit shall receive the funding needed to cover one FTE teacher position for each prototypical elementary, middle, and high school.

(E) Substitute teacher investments. Each Organizational Unit shall receive the funding needed to cover substitute teacher costs that is equal to 5.70% of the minimum pupil attendance days required under Section 10-19 of this Code for all full-time equivalent core, specialist, and intervention teachers, school nurses, special education teachers and instructional assistants, instructional facilitators, and summer school and extended day teacher positions, as determined under this paragraph (2), at a salary rate of 33.33% of the average salary for grade K through 12 teachers and 33.33% of the average salary of each instructional assistant position.

(F) Core school counselor investments. Each Organizational Unit shall receive the funding needed to cover one FTE school counselor for each 450 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5

students, plus one FTE school counselor for each 250 grades 6 through 8 ASE middle school students, plus one FTE school counselor for each 250 grades 9 through 12 ASE high school students.

(G) Nurse investments. Each Organizational Unit shall receive the funding needed to cover one FTE nurse for each 750 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students across all grade levels it serves.

(H) Supervisory aide investments. Each Organizational Unit shall receive the funding needed to cover one FTE for each 225 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE for each 225 ASE middle school students, plus one FTE for each 200 ASE high school students.

(I) Librarian investments. Each Organizational Unit shall receive the funding needed to cover one FTE librarian for each prototypical elementary school, middle school, and high school and one FTE aide or media technician for every 300 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students.

(J) Principal investments. Each Organizational Unit shall receive the funding needed to cover one FTE

principal position for each prototypical elementary school, plus one FTE principal position for each prototypical middle school, plus one FTE principal position for each prototypical high school.

(K) Assistant principal investments. Each Organizational Unit shall receive the funding needed to cover one FTE assistant principal position for each prototypical elementary school, plus one FTE assistant principal position for each prototypical middle school, plus one FTE assistant principal position for each prototypical high school.

(L) School site staff investments. Each Organizational Unit shall receive the funding needed for one FTE position for each 225 ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE position for each 225 ASE middle school students, plus one FTE position for each 200 ASE high school students.

(M) Gifted investments. Each Organizational Unit shall receive $40 per kindergarten through grade 12 ASE.

(N) Professional development investments. Each Organizational Unit shall receive $125 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12

students for trainers and other professional development-related expenses for supplies and materials.

(O) Instructional material investments. Each Organizational Unit shall receive $190 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover instructional material costs.

(P) Assessment investments. Each Organizational Unit shall receive $25 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover assessment costs.

(Q) Computer technology and equipment investments. Each Organizational Unit shall receive $285.50 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover computer technology and equipment costs. For the 2018-2019 school year and subsequent school years, Organizational Units assigned to Tier 1 and Tier 2 in the prior school year shall receive an additional $285.50 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover computer technology and equipment costs in the Organizational Unit's Adequacy Target.

The State Board may establish additional requirements for Organizational Unit expenditures of funds received pursuant to this subparagraph (Q), including a requirement that funds received pursuant to this subparagraph (Q) may be used only for serving the technology needs of the district. It is the intent of Public Act 100-465 that all Tier 1 and Tier 2 districts receive the addition to their Adequacy Target in the following year, subject to compliance with the requirements of the State Board.

(R) Student activities investments. Each Organizational Unit shall receive the following funding amounts to cover student activities: $100 per kindergarten through grade 5 ASE student in elementary school, plus $200 per ASE student in middle school, plus $675 per ASE student in high school.

(S) Maintenance and operations investments. Each Organizational Unit shall receive $1,038 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students for day-to-day maintenance and operations expenditures, including salary, supplies, and materials, as well as purchased services, but excluding employee benefits. The proportion of salary for the application of a Regionalization Factor and the calculation of benefits is equal to $352.92.

(T) Central office investments. Each Organizational Unit shall receive $742 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover central office operations, including administrators and classified personnel charged with managing the instructional programs, business and operations of the school district, and security personnel. The proportion of salary for the application of a Regionalization Factor and the calculation of benefits is equal to $368.48.

(U) Employee benefit investments. Each Organizational Unit shall receive 30% of the total of all salary-calculated elements of the Adequacy Target, excluding substitute teachers and student activities investments, to cover benefit costs. For central office and maintenance and operations investments, the benefit calculation shall be based upon the salary proportion of each investment. If at any time the responsibility for funding the employer normal cost of teacher pensions is assigned to school districts, then that amount certified by the Teachers' Retirement System of the State of Illinois to be paid by the Organizational Unit for the preceding school year shall be added to the benefit investment. For any fiscal year in which a school district organized under

Article 34 of this Code is responsible for paying the employer normal cost of teacher pensions, then that amount of its employer normal cost plus the amount for retiree health insurance as certified by the Public School Teachers' Pension and Retirement Fund of Chicago to be paid by the school district for the preceding school year that is statutorily required to cover employer normal costs and the amount for retiree health insurance shall be added to the 30% specified in this subparagraph (U). The Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago shall submit such information as the State Superintendent may require for the calculations set forth in this subparagraph (U).

(V) Additional investments in low-income students. In addition to and not in lieu of all other funding under this paragraph (2), each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover the costs of:

(i) one FTE intervention teacher (tutor) position for every 125 Low-Income Count students;

(ii) one FTE pupil support staff position for every 125 Low-Income Count students;

(iii) one FTE extended day teacher position for every 120 Low-Income Count students; and

(iv) one FTE summer school teacher position for every 120 Low-Income Count students.

(W) Additional investments in English learner students. In addition to and not in lieu of all other funding under this paragraph (2), each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover the costs of:

(i) one FTE intervention teacher (tutor) position for every 125 English learner students;

(ii) one FTE pupil support staff position for every 125 English learner students;

(iii) one FTE extended day teacher position for every 120 English learner students;

(iv) one FTE summer school teacher position for every 120 English learner students; and

(v) one FTE core teacher position for every 100 English learner students.

(X) Special education investments. Each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover special education as follows:

(i) one FTE teacher position for every 141 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students;

(ii) one FTE instructional assistant for every 141 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students; and

(iii) one FTE psychologist position for every 1,000 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students.

(3) For calculating the salaries included within the Essential Elements, the State Superintendent shall annually calculate average salaries to the nearest dollar using the employment information system data maintained by the State Board, limited to public schools only and excluding special education and vocational cooperatives, schools operated by the Department of Juvenile Justice, and charter schools, for the following positions:

(A) Teacher for grades K through 8.

(B) Teacher for grades 9 through 12.

(C) Teacher for grades K through 12.

(D) School counselor for grades K through 8.

(E) School counselor for grades 9 through 12.

(F) School counselor for grades K through 12.

(G) Social worker.

(H) Psychologist.

(I) Librarian.

(J) Nurse.

(K) Principal.

(L) Assistant principal.

For the purposes of this paragraph (3), "teacher" includes core teachers, specialist and elective teachers, instructional facilitators, tutors, special education teachers, pupil support staff teachers, English learner teachers, extended day teachers, and summer school teachers. Where specific grade data is not required for the Essential Elements, the average salary for corresponding positions shall apply. For substitute teachers, the average teacher salary for grades K through 12 shall apply.

For calculating the salaries included within the Essential Elements for positions not included within EIS Data, the following salaries shall be used in the first year of implementation of Evidence-Based Funding:

(i) school site staff, $30,000; and

(ii) non-instructional assistant, instructional assistant, library aide, library media tech, or supervisory aide: $25,000.

In the second and subsequent years of implementation of Evidence-Based Funding, the amounts in items (i) and (ii) of this paragraph (3) shall annually increase by the ECI.

The salary amounts for the Essential Elements determined pursuant to subparagraphs (A) through (L), (S)

and (T), and (V) through (X) of paragraph (2) of subsection (b) of this Section shall be multiplied by a Regionalization Factor.

(c) Local Capacity calculation.

(1) Each Organizational Unit's Local Capacity represents an amount of funding it is assumed to contribute toward its Adequacy Target for purposes of the Evidence-Based Funding formula calculation. "Local Capacity" means either (i) the Organizational Unit's Local Capacity Target as calculated in accordance with paragraph (2) of this subsection (c) if its Real Receipts are equal to or less than its Local Capacity Target or (ii) the Organizational Unit's Adjusted Local Capacity, as calculated in accordance with paragraph (3) of this subsection (c) if Real Receipts are more than its Local Capacity Target.

(2) "Local Capacity Target" means, for an Organizational Unit, that dollar amount that is obtained by multiplying its Adequacy Target by its Local Capacity Ratio.

(A) An Organizational Unit's Local Capacity Percentage is the conversion of the Organizational Unit's Local Capacity Ratio, as such ratio is determined in accordance with subparagraph (B) of this paragraph (2), into a cumulative distribution resulting in a percentile ranking to determine each

Organizational Unit's relative position to all other Organizational Units in this State. The calculation of Local Capacity Percentage is described in subparagraph (C) of this paragraph (2).

(B) An Organizational Unit's Local Capacity Ratio in a given year is the percentage obtained by dividing its Adjusted EAV or PTELL EAV, whichever is less, by its Adequacy Target, with the resulting ratio further adjusted as follows:

(i) for Organizational Units serving grades kindergarten through 12 and Hybrid Districts, no further adjustments shall be made;

(ii) for Organizational Units serving grades kindergarten through 8, the ratio shall be multiplied by 9/13;

(iii) for Organizational Units serving grades 9 through 12, the Local Capacity Ratio shall be multiplied by 4/13; and

(iv) for an Organizational Unit with a different grade configuration than those specified in items (i) through (iii) of this subparagraph (B), the State Superintendent shall determine a comparable adjustment based on the grades served.

(C) The Local Capacity Percentage is equal to the percentile ranking of the district. Local Capacity Percentage converts each Organizational Unit's Local

Capacity Ratio to a cumulative distribution resulting in a percentile ranking to determine each Organizational Unit's relative position to all other Organizational Units in this State. The Local Capacity Percentage cumulative distribution resulting in a percentile ranking for each Organizational Unit shall be calculated using the standard normal distribution of the score in relation to the weighted mean and weighted standard deviation and Local Capacity Ratios of all Organizational Units. If the value assigned to any Organizational Unit is in excess of 90%, the value shall be adjusted to 90%. For Laboratory Schools, the Local Capacity Percentage shall be set at 10% in recognition of the absence of EAV and resources from the public university that are allocated to the Laboratory School. For programs operated by a regional office of education or an intermediate service center, the Local Capacity Percentage must be set at 10% in recognition of the absence of EAV and resources from school districts that are allocated to the regional office of education or intermediate service center. The weighted mean for the Local Capacity Percentage shall be determined by multiplying each Organizational Unit's Local Capacity Ratio times the ASE for the unit creating a weighted value, summing the weighted values of all Organizational Units, and dividing by the total

ASE of all Organizational Units. The weighted standard deviation shall be determined by taking the square root of the weighted variance of all Organizational Units' Local Capacity Ratio, where the variance is calculated by squaring the difference between each unit's Local Capacity Ratio and the weighted mean, then multiplying the variance for each unit times the ASE for the unit to create a weighted variance for each unit, then summing all units' weighted variance and dividing by the total ASE of all units.

(D) For any Organizational Unit, the Organizational Unit's Adjusted Local Capacity Target shall be reduced by either (i) the school board's remaining contribution pursuant to paragraph (ii) of subsection (b-4) of Section 16-158 of the Illinois Pension Code in a given year or (ii) the board of education's remaining contribution pursuant to paragraph (iv) of subsection (b) of Section 17-129 of the Illinois Pension Code absent the employer normal cost portion of the required contribution and amount allowed pursuant to subdivision (3) of Section 17-142.1 of the Illinois Pension Code in a given year. In the preceding sentence, item (i) shall be certified to the State Board of Education by the Teachers' Retirement System of the State of Illinois and item (ii) shall be certified to the State Board of

Education by the Public School Teachers' Pension and Retirement Fund of the City of Chicago.

(3) If an Organizational Unit's Real Receipts are more than its Local Capacity Target, then its Local Capacity shall equal an Adjusted Local Capacity Target as calculated in accordance with this paragraph (3). The Adjusted Local Capacity Target is calculated as the sum of the Organizational Unit's Local Capacity Target and its Real Receipts Adjustment. The Real Receipts Adjustment equals the Organizational Unit's Real Receipts less its Local Capacity Target, with the resulting figure multiplied by the Local Capacity Percentage.

As used in this paragraph (3), "Real Percent of Adequacy" means the sum of an Organizational Unit's Real Receipts, CPPRT, and Base Funding Minimum, with the resulting figure divided by the Organizational Unit's Adequacy Target.

(d) Calculation of Real Receipts, EAV, and Adjusted EAV for purposes of the Local Capacity calculation.

(1) An Organizational Unit's Real Receipts are the product of its Applicable Tax Rate and its Adjusted EAV. An Organizational Unit's Applicable Tax Rate is its Adjusted Operating Tax Rate for property within the Organizational Unit.

(2) The State Superintendent shall calculate the equalized assessed valuation, or EAV, of all taxable

property of each Organizational Unit as of September 30 of the previous year in accordance with paragraph (3) of this subsection (d). The State Superintendent shall then determine the Adjusted EAV of each Organizational Unit in accordance with paragraph (4) of this subsection (d), which Adjusted EAV figure shall be used for the purposes of calculating Local Capacity.

(3) To calculate Real Receipts and EAV, the Department of Revenue shall supply to the State Superintendent the value as equalized or assessed by the Department of Revenue of all taxable property of every Organizational Unit, together with (i) the applicable tax rate used in extending taxes for the funds of the Organizational Unit as of September 30 of the previous year and (ii) the limiting rate for all Organizational Units subject to property tax extension limitations as imposed under PTELL.

(A) The Department of Revenue shall add to the equalized assessed value of all taxable property of each Organizational Unit situated entirely or partially within a county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code (i) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 of the Property Tax Code for real property situated in that Organizational Unit exceeds the total amount that would have been allowed in that

Organizational Unit if the maximum reduction under Section 15-176 was (I) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (II) $5,000 in all counties in tax year 2004 and thereafter and (ii) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each Organizational Unit all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this subparagraph (A) that if the general homestead exemption for a parcel of property is determined under Section 15-176 or 15-177 of the Property Tax Code rather than Section 15-175, then the calculation of EAV shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 or 15-177 of the Property Tax Code and the amount that would have been allowed had the general

homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this subparagraph (A) that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of EAV shall not be affected by the difference, if any, because of those additional exemptions.

(B) With respect to any part of an Organizational Unit within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Division 74.4 of Article 11 of the Illinois Municipal Code, or the Industrial Jobs Recovery Law, Division 74.6 of Article 11 of the Illinois Municipal Code, no part of the current EAV of real property located in any such project area that is attributable to an increase above the total initial EAV of such property shall be used as part of the EAV of the Organizational Unit, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the EAV of the Organizational Unit, the total

initial EAV or the current EAV, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(B-5) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value, as equalized or assessed by the Department of Revenue, for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (B-5).

(C) For Organizational Units that are Hybrid Districts, the State Superintendent shall use the lesser of the adjusted equalized assessed valuation for property within the partial elementary unit district for elementary purposes, as defined in Article 11E of this Code, or the adjusted equalized assessed valuation for property within the partial elementary unit district for high school purposes, as

defined in Article 11E of this Code.

(D) If a school district's boundaries span multiple counties, then the Department of Revenue shall send to the State Board, for the purposes of calculating Evidence-Based Funding, the limiting rate and individual rates by purpose for the county that contains the majority of the school district's equalized assessed valuation.

(4) An Organizational Unit's Adjusted EAV shall be the average of its EAV over the immediately preceding 3 years or the lesser of its EAV in the immediately preceding year or the average of its EAV over the immediately preceding 3 years if the EAV in the immediately preceding year has declined by 10% or more when comparing the 2 most recent years. In the event of Organizational Unit reorganization, consolidation, or annexation, the Organizational Unit's Adjusted EAV for the first 3 years after such change shall be as follows: the most current EAV shall be used in the first year, the average of a 2-year EAV or its EAV in the immediately preceding year if the EAV declines by 10% or more when comparing the 2 most recent years for the second year, and the lesser of a 3-year average EAV or its EAV in the immediately preceding year if the Adjusted EAV declines by 10% or more when comparing the 2 most recent years for the third year. For any school district whose EAV in the immediately preceding year is used in

calculations, in the following year, the Adjusted EAV shall be the average of its EAV over the immediately preceding 2 years or the immediately preceding year if that year represents a decline of 10% or more when comparing the 2 most recent years.

"PTELL EAV" means a figure calculated by the State Board for Organizational Units subject to PTELL as described in this paragraph (4) for the purposes of calculating an Organizational Unit's Local Capacity Ratio. Except as otherwise provided in this paragraph (4), the PTELL EAV of an Organizational Unit shall be equal to the product of the equalized assessed valuation last used in the calculation of general State aid under Section 18-8.05 of this Code (now repealed) or Evidence-Based Funding under this Section and the Organizational Unit's Extension Limitation Ratio. If an Organizational Unit has approved or does approve an increase in its limiting rate, pursuant to Section 18-190 of the Property Tax Code, affecting the Base Tax Year, the PTELL EAV shall be equal to the product of the equalized assessed valuation last used in the calculation of general State aid under Section 18-8.05 of this Code (now repealed) or Evidence-Based Funding under this Section multiplied by an amount equal to one plus the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12-month

calendar year preceding the Base Tax Year, plus the equalized assessed valuation of new property, annexed property, and recovered tax increment value and minus the equalized assessed valuation of disconnected property.

As used in this paragraph (4), "new property" and "recovered tax increment value" shall have the meanings set forth in the Property Tax Extension Limitation Law.

(e) Base Funding Minimum calculation.

(1) For the 2017-2018 school year, the Base Funding Minimum of an Organizational Unit or a Specially Funded Unit shall be the amount of State funds distributed to the Organizational Unit or Specially Funded Unit during the 2016-2017 school year prior to any adjustments and specified appropriation amounts described in this paragraph (1) from the following Sections, as calculated by the State Superintendent: Section 18-8.05 of this Code (now repealed); Section 5 of Article 224 of Public Act 99-524 (equity grants); Section 14-7.02b of this Code (funding for children requiring special education services); Section 14-13.01 of this Code (special education facilities and staffing), except for reimbursement of the cost of transportation pursuant to Section 14-13.01; Section 14C-12 of this Code (English learners); and Section 18-4.3 of this Code (summer school), based on an appropriation level of $13,121,600. For a school district organized under Article 34 of this

Code, the Base Funding Minimum also includes (i) the funds allocated to the school district pursuant to Section 1D-1 of this Code attributable to funding programs authorized by the Sections of this Code listed in the preceding sentence and (ii) the difference between (I) the funds allocated to the school district pursuant to Section 1D-1 of this Code attributable to the funding programs authorized by Section 14-7.02 (non-public special education reimbursement), subsection (b) of Section 14-13.01 (special education transportation), Section 29-5 (transportation), Section 2-3.80 (agricultural education), Section 2-3.66 (truants' alternative education), Section 2-3.62 (educational service centers), and Section 14-7.03 (special education - orphanage) of this Code and Section 15 of the Childhood Hunger Relief Act (free breakfast program) and (II) the school district's actual expenditures for its non-public special education, special education transportation, transportation programs, agricultural education, truants' alternative education, services that would otherwise be performed by a regional office of education, special education orphanage expenditures, and free breakfast, as most recently calculated and reported pursuant to subsection (f) of Section 1D-1 of this Code. The Base Funding Minimum for Glenwood Academy shall be $625,500. For programs operated by a regional office of education or

an intermediate service center, the Base Funding Minimum must be the total amount of State funds allocated to those programs in the 2018-2019 school year and amounts provided pursuant to Article 34 of Public Act 100-586 and Section 3-16 of this Code. All programs established after June 5, 2019 (the effective date of Public Act 101-10) and administered by a regional office of education or an intermediate service center must have an initial Base Funding Minimum set to an amount equal to the first-year ASE multiplied by the amount of per pupil funding received in the previous school year by the lowest funded similar existing program type. If the enrollment for a program operated by a regional office of education or an intermediate service center is zero, then it may not receive Base Funding Minimum funds for that program in the next fiscal year, and those funds must be distributed to Organizational Units under subsection (g).

(2) For the 2018-2019 and subsequent school years, the Base Funding Minimum of Organizational Units and Specially Funded Units shall be the sum of (i) the amount of Evidence-Based Funding for the prior school year, (ii) the Base Funding Minimum for the prior school year, and (iii) any amount received by a school district pursuant to Section 7 of Article 97 of Public Act 100-21.

For the 2022-2023 school year, the Base Funding Minimum of Organizational Units shall be the amounts

recalculated by the State Board of Education for Fiscal Year 2019 through Fiscal Year 2022 that were necessary due to average student enrollment errors for districts organized under Article 34 of this Code, plus the Fiscal Year 2022 property tax relief grants provided under Section 2-3.170 of this Code, ensuring each Organizational Unit has the correct amount of resources for Fiscal Year 2023 Evidence-Based Funding calculations and that Fiscal Year 2023 Evidence-Based Funding Distributions are made in accordance with this Section.

(3) Subject to approval by the General Assembly as provided in this paragraph (3), an Organizational Unit that meets all of the following criteria, as determined by the State Board, shall have District Intervention Money added to its Base Funding Minimum at the time the Base Funding Minimum is calculated by the State Board:

(A) The Organizational Unit is operating under an Independent Authority under Section 2-3.25f-5 of this Code for a minimum of 4 school years or is subject to the control of the State Board pursuant to a court order for a minimum of 4 school years.

(B) The Organizational Unit was designated as a Tier 1 or Tier 2 Organizational Unit in the previous school year under paragraph (3) of subsection (g) of this Section.

(C) The Organizational Unit demonstrates

sustainability through a 5-year financial and strategic plan.

(D) The Organizational Unit has made sufficient progress and achieved sufficient stability in the areas of governance, academic growth, and finances.

As part of its determination under this paragraph (3), the State Board may consider the Organizational Unit's summative designation, any accreditations of the Organizational Unit, or the Organizational Unit's financial profile, as calculated by the State Board.

If the State Board determines that an Organizational Unit has met the criteria set forth in this paragraph (3), it must submit a report to the General Assembly, no later than January 2 of the fiscal year in which the State Board makes it determination, on the amount of District Intervention Money to add to the Organizational Unit's Base Funding Minimum. The General Assembly must review the State Board's report and may approve or disapprove, by joint resolution, the addition of District Intervention Money. If the General Assembly fails to act on the report within 40 calendar days from the receipt of the report, the addition of District Intervention Money is deemed approved. If the General Assembly approves the amount of District Intervention Money to be added to the Organizational Unit's Base Funding Minimum, the District Intervention Money must be added to the Base Funding

Minimum annually thereafter.

For the first 4 years following the initial year that the State Board determines that an Organizational Unit has met the criteria set forth in this paragraph (3) and has received funding under this Section, the Organizational Unit must annually submit to the State Board, on or before November 30, a progress report regarding its financial and strategic plan under subparagraph (C) of this paragraph (3). The plan shall include the financial data from the past 4 annual financial reports or financial audits that must be presented to the State Board by November 15 of each year and the approved budget financial data for the current year. The plan shall be developed according to the guidelines presented to the Organizational Unit by the State Board. The plan shall further include financial projections for the next 3 fiscal years and include a discussion and financial summary of the Organizational Unit's facility needs. If the Organizational Unit does not demonstrate sufficient progress toward its 5-year plan or if it has failed to file an annual financial report, an annual budget, a financial plan, a deficit reduction plan, or other financial information as required by law, the State Board may establish a Financial Oversight Panel under Article 1H of this Code. However, if the Organizational Unit already has a Financial Oversight Panel, the State Board may extend the duration of the

Panel.

(f) Percent of Adequacy and Final Resources calculation.

(1) The Evidence-Based Funding formula establishes a Percent of Adequacy for each Organizational Unit in order to place such units into tiers for the purposes of the funding distribution system described in subsection (g) of this Section. Initially, an Organizational Unit's Preliminary Resources and Preliminary Percent of Adequacy are calculated pursuant to paragraph (2) of this subsection (f). Then, an Organizational Unit's Final Resources and Final Percent of Adequacy are calculated to account for the Organizational Unit's poverty concentration levels pursuant to paragraphs (3) and (4) of this subsection (f).

(2) An Organizational Unit's Preliminary Resources are equal to the sum of its Local Capacity Target, CPPRT, and Base Funding Minimum. An Organizational Unit's Preliminary Percent of Adequacy is the lesser of (i) its Preliminary Resources divided by its Adequacy Target or (ii) 100%.

(3) Except for Specially Funded Units, an Organizational Unit's Final Resources are equal to the sum of its Local Capacity, CPPRT, and Adjusted Base Funding Minimum. The Base Funding Minimum of each Specially Funded Unit shall serve as its Final Resources, except that the Base Funding Minimum for State-approved charter schools shall not include any portion of general State aid

allocated in the prior year based on the per capita tuition charge times the charter school enrollment.

(4) An Organizational Unit's Final Percent of Adequacy is its Final Resources divided by its Adequacy Target. An Organizational Unit's Adjusted Base Funding Minimum is equal to its Base Funding Minimum less its Supplemental Grant Funding, with the resulting figure added to the product of its Supplemental Grant Funding and Preliminary Percent of Adequacy.

(g) Evidence-Based Funding formula distribution system.

(1) In each school year under the Evidence-Based Funding formula, each Organizational Unit receives funding equal to the sum of its Base Funding Minimum and the unit's allocation of New State Funds determined pursuant to this subsection (g). To allocate New State Funds, the Evidence-Based Funding formula distribution system first places all Organizational Units into one of 4 tiers in accordance with paragraph (3) of this subsection (g), based on the Organizational Unit's Final Percent of Adequacy. New State Funds are allocated to each of the 4 tiers as follows: Tier 1 Aggregate Funding equals 50% of all New State Funds, Tier 2 Aggregate Funding equals 49% of all New State Funds, Tier 3 Aggregate Funding equals 0.9% of all New State Funds, and Tier 4 Aggregate Funding equals 0.1% of all New State Funds. Each Organizational Unit within Tier 1 or Tier 2 receives an allocation of New

State Funds equal to its tier Funding Gap, as defined in the following sentence, multiplied by the tier's Allocation Rate determined pursuant to paragraph (4) of this subsection (g). For Tier 1, an Organizational Unit's Funding Gap equals the tier's Target Ratio, as specified in paragraph (5) of this subsection (g), multiplied by the Organizational Unit's Adequacy Target, with the resulting amount reduced by the Organizational Unit's Final Resources. For Tier 2, an Organizational Unit's Funding Gap equals the tier's Target Ratio, as described in paragraph (5) of this subsection (g), multiplied by the Organizational Unit's Adequacy Target, with the resulting amount reduced by the Organizational Unit's Final Resources and its Tier 1 funding allocation. To determine the Organizational Unit's Funding Gap, the resulting amount is then multiplied by a factor equal to one minus the Organizational Unit's Local Capacity Target percentage. Each Organizational Unit within Tier 3 or Tier 4 receives an allocation of New State Funds equal to the product of its Adequacy Target and the tier's Allocation Rate, as specified in paragraph (4) of this subsection (g).

(2) To ensure equitable distribution of dollars for all Tier 2 Organizational Units, no Tier 2 Organizational Unit shall receive fewer dollars per ASE than any Tier 3 Organizational Unit. Each Tier 2 and Tier 3 Organizational

Unit shall have its funding allocation divided by its ASE. Any Tier 2 Organizational Unit with a funding allocation per ASE below the greatest Tier 3 allocation per ASE shall get a funding allocation equal to the greatest Tier 3 funding allocation per ASE multiplied by the Organizational Unit's ASE. Each Tier 2 Organizational Unit's Tier 2 funding allocation shall be multiplied by the percentage calculated by dividing the original Tier 2 Aggregate Funding by the sum of all Tier 2 Organizational Units' Tier 2 funding allocation after adjusting districts' funding below Tier 3 levels.

(3) Organizational Units are placed into one of 4 tiers as follows:

(A) Tier 1 consists of all Organizational Units, except for Specially Funded Units, with a Percent of Adequacy less than the Tier 1 Target Ratio. The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed, with the Tier 1 Allocation Rate determined pursuant to paragraph (4) of this subsection (g).

(B) Tier 2 consists of all Tier 1 Units and all other Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of less than 0.90.

(C) Tier 3 consists of all Organizational Units, except for Specially Funded Units, with a Percent of

Adequacy of at least 0.90 and less than 1.0.

(D) Tier 4 consists of all Organizational Units with a Percent of Adequacy of at least 1.0.

(4) The Allocation Rates for Tiers 1 through 4 are determined as follows:

(A) The Tier 1 Allocation Rate is 30%.

(B) The Tier 2 Allocation Rate is the result of the following equation: Tier 2 Aggregate Funding, divided by the sum of the Funding Gaps for all Tier 2 Organizational Units, unless the result of such equation is higher than 1.0. If the result of such equation is higher than 1.0, then the Tier 2 Allocation Rate is 1.0.

(C) The Tier 3 Allocation Rate is the result of the following equation: Tier 3 Aggregate Funding, divided by the sum of the Adequacy Targets of all Tier 3 Organizational Units.

(D) The Tier 4 Allocation Rate is the result of the following equation: Tier 4 Aggregate Funding, divided by the sum of the Adequacy Targets of all Tier 4 Organizational Units.

(5) A tier's Target Ratio is determined as follows:

(A) The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed with the Tier 1 Allocation Rate.

(B) The Tier 2 Target Ratio is 0.90.

(C) The Tier 3 Target Ratio is 1.0.

(6) If, at any point, the Tier 1 Target Ratio is greater than 90%, then all Tier 1 funding shall be allocated to Tier 2 and no Tier 1 Organizational Unit's funding may be identified.

(7) In the event that all Tier 2 Organizational Units receive funding at the Tier 2 Target Ratio level, any remaining New State Funds shall be allocated to Tier 3 and Tier 4 Organizational Units.

(8) If any Specially Funded Units, excluding Glenwood Academy, recognized by the State Board do not qualify for direct funding following the implementation of Public Act 100-465 from any of the funding sources included within the definition of Base Funding Minimum, the unqualified portion of the Base Funding Minimum shall be transferred to one or more appropriate Organizational Units as determined by the State Superintendent based on the prior year ASE of the Organizational Units.

(8.5) If a school district withdraws from a special education cooperative, the portion of the Base Funding Minimum that is attributable to the school district may be redistributed to the school district upon withdrawal. The school district and the cooperative must include the amount of the Base Funding Minimum that is to be reapportioned in their withdrawal agreement and notify the State Board of the change with a copy of the agreement upon

withdrawal.

(9) The Minimum Funding Level is intended to establish a target for State funding that will keep pace with inflation and continue to advance equity through the Evidence-Based Funding formula. The target for State funding of New Property Tax Relief Pool Funds is $50,000,000 for State fiscal year 2019 and subsequent State fiscal years. The Minimum Funding Level is equal to $350,000,000. In addition to any New State Funds, no more than $50,000,000 New Property Tax Relief Pool Funds may be counted toward the Minimum Funding Level. If the sum of New State Funds and applicable New Property Tax Relief Pool Funds are less than the Minimum Funding Level, than funding for tiers shall be reduced in the following manner:

(A) First, Tier 4 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds until such time as Tier 4 funding is exhausted.

(B) Next, Tier 3 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds and the reduction in Tier 4 funding until such time as Tier 3 funding is exhausted.

(C) Next, Tier 2 funding shall be reduced by an amount equal to the difference between the Minimum

Funding Level and New State Funds and the reduction in Tier 4 and Tier 3.

(D) Finally, Tier 1 funding shall be reduced by an amount equal to the difference between the Minimum Funding level and New State Funds and the reduction in Tier 2, 3, and 4 funding. In addition, the Allocation Rate for Tier 1 shall be reduced to a percentage equal to the Tier 1 Allocation Rate set by paragraph (4) of this subsection (g), multiplied by the result of New State Funds divided by the Minimum Funding Level.

(9.5) For State fiscal year 2019 and subsequent State fiscal years, if New State Funds exceed $300,000,000, then any amount in excess of $300,000,000 shall be dedicated for purposes of Section 2-3.170 of this Code up to a maximum of $50,000,000.

(10) In the event of a decrease in the amount of the appropriation for this Section in any fiscal year after implementation of this Section, the Organizational Units receiving Tier 1 and Tier 2 funding, as determined under paragraph (3) of this subsection (g), shall be held harmless by establishing a Base Funding Guarantee equal to the per pupil kindergarten through grade 12 funding received in accordance with this Section in the prior fiscal year. Reductions shall be made to the Base Funding Minimum of Organizational Units in Tier 3 and Tier 4 on a per pupil basis equivalent to the total number of the ASE

in Tier 3-funded and Tier 4-funded Organizational Units divided by the total reduction in State funding. The Base Funding Minimum as reduced shall continue to be applied to Tier 3 and Tier 4 Organizational Units and adjusted by the relative formula when increases in appropriations for this Section resume. In no event may State funding reductions to Organizational Units in Tier 3 or Tier 4 exceed an amount that would be less than the Base Funding Minimum established in the first year of implementation of this Section. If additional reductions are required, all school districts shall receive a reduction by a per pupil amount equal to the aggregate additional appropriation reduction divided by the total ASE of all Organizational Units.

(11) The State Superintendent shall make minor adjustments to the distribution formula set forth in this subsection (g) to account for the rounding of percentages to the nearest tenth of a percentage and dollar amounts to the nearest whole dollar.

(h) State Superintendent administration of funding and district submission requirements.

(1) The State Superintendent shall, in accordance with appropriations made by the General Assembly, meet the funding obligations created under this Section.

(2) The State Superintendent shall calculate the Adequacy Target for each Organizational Unit under this Section. No Evidence-Based Funding shall be distributed

within an Organizational Unit without the approval of the unit's school board.

(3) Annually, the State Superintendent shall calculate and report to each Organizational Unit the unit's aggregate financial adequacy amount, which shall be the sum of the Adequacy Target for each Organizational Unit. The State Superintendent shall calculate and report separately for each Organizational Unit the unit's total State funds allocated for its students with disabilities. The State Superintendent shall calculate and report separately for each Organizational Unit the amount of funding and applicable FTE calculated for each Essential Element of the unit's Adequacy Target.

(4) Annually, the State Superintendent shall calculate and report to each Organizational Unit the amount the unit must expend on special education and bilingual education and computer technology and equipment for Organizational Units assigned to Tier 1 or Tier 2 that received an additional $285.50 per student computer technology and equipment investment grant to their Adequacy Target pursuant to the unit's Base Funding Minimum, Special Education Allocation, Bilingual Education Allocation, and computer technology and equipment investment allocation.

(5) Moneys distributed under this Section shall be calculated on a school year basis, but paid on a fiscal year basis, with payments beginning in August and

extending through June. Unless otherwise provided, the moneys appropriated for each fiscal year shall be distributed in 22 equal payments at least 2 times monthly to each Organizational Unit. If moneys appropriated for any fiscal year are distributed other than monthly, the distribution shall be on the same basis for each Organizational Unit.

(6) Any school district that fails, for any given school year, to maintain school as required by law or to maintain a recognized school is not eligible to receive Evidence-Based Funding. In case of non-recognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion that the enrollment in the attendance center or centers bears to the enrollment of the school district. "Recognized school" means any public school that meets the standards for recognition by the State Board. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim that was filed while it was recognized.

(7) School district claims filed under this Section are subject to Sections 18-9 and 18-12 of this Code, except as otherwise provided in this Section.

(8) Each fiscal year, the State Superintendent shall calculate for each Organizational Unit an amount of its

Base Funding Minimum and Evidence-Based Funding that shall be deemed attributable to the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, in a manner that ensures compliance with maintenance of State financial support requirements under the federal Individuals with Disabilities Education Act. An Organizational Unit must use such funds only for the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, and must comply with any expenditure verification procedures adopted by the State Board.

(9) All Organizational Units in this State must submit annual spending plans by the end of September of each year to the State Board as part of the annual budget process, which shall describe how each Organizational Unit will utilize the Base Funding Minimum and Evidence-Based Funding it receives from this State under this Section with specific identification of the intended utilization of Low-Income, English learner, and special education resources. Additionally, the annual spending plans of each Organizational Unit shall describe how the Organizational Unit expects to achieve student growth and how the Organizational Unit will achieve State education goals, as defined by the State Board. The State Superintendent may, from time to time, identify additional requisites for Organizational Units to satisfy when compiling the annual

spending plans required under this subsection (h). The format and scope of annual spending plans shall be developed by the State Superintendent and the State Board of Education. School districts that serve students under Article 14C of this Code shall continue to submit information as required under Section 14C-12 of this Code.

(10) No later than January 1, 2018, the State Superintendent shall develop a 5-year strategic plan for all Organizational Units to help in planning for adequacy funding under this Section. The State Superintendent shall submit the plan to the Governor and the General Assembly, as provided in Section 3.1 of the General Assembly Organization Act. The plan shall include recommendations for:

(A) a framework for collaborative, professional, innovative, and 21st century learning environments using the Evidence-Based Funding model;

(B) ways to prepare and support this State's educators for successful instructional careers;

(C) application and enhancement of the current financial accountability measures, the approved State plan to comply with the federal Every Student Succeeds Act, and the Illinois Balanced Accountability Measures in relation to student growth and elements of the Evidence-Based Funding model; and

(D) implementation of an effective school adequacy

funding system based on projected and recommended funding levels from the General Assembly.

(11) On an annual basis, the State Superintendent must recalibrate all of the following per pupil elements of the Adequacy Target and applied to the formulas, based on the study of average expenses and as reported in the most recent annual financial report:

(A) Gifted under subparagraph (M) of paragraph (2) of subsection (b).

(B) Instructional materials under subparagraph (O) of paragraph (2) of subsection (b).

(C) Assessment under subparagraph (P) of paragraph (2) of subsection (b).

(D) Student activities under subparagraph (R) of paragraph (2) of subsection (b).

(E) Maintenance and operations under subparagraph (S) of paragraph (2) of subsection (b).

(F) Central office under subparagraph (T) of paragraph (2) of subsection (b).

(i) Professional Review Panel.

(1) A Professional Review Panel is created to study and review topics related to the implementation and effect of Evidence-Based Funding, as assigned by a joint resolution or Public Act of the General Assembly or a motion passed by the State Board of Education. The Panel must provide recommendations to and serve the Governor,

the General Assembly, and the State Board. The State Superintendent or his or her designee must serve as a voting member and chairperson of the Panel. The State Superintendent must appoint a vice chairperson from the membership of the Panel. The Panel must advance recommendations based on a three-fifths majority vote of Panel members present and voting. A minority opinion may also accompany any recommendation of the Panel. The Panel shall be appointed by the State Superintendent, except as otherwise provided in paragraph (2) of this subsection (i) and include the following members:

(A) Two appointees that represent district superintendents, recommended by a statewide organization that represents district superintendents.

(B) Two appointees that represent school boards, recommended by a statewide organization that represents school boards.

(C) Two appointees from districts that represent school business officials, recommended by a statewide organization that represents school business officials.

(D) Two appointees that represent school principals, recommended by a statewide organization that represents school principals.

(E) Two appointees that represent teachers, recommended by a statewide organization that

represents teachers.

(F) Two appointees that represent teachers, recommended by another statewide organization that represents teachers.

(G) Two appointees that represent regional superintendents of schools, recommended by organizations that represent regional superintendents.

(H) Two independent experts selected solely by the State Superintendent.

(I) Two independent experts recommended by public universities in this State.

(J) One member recommended by a statewide organization that represents parents.

(K) Two representatives recommended by collective impact organizations that represent major metropolitan areas or geographic areas in Illinois.

(L) One member from a statewide organization focused on research-based education policy to support a school system that prepares all students for college, a career, and democratic citizenship.

(M) One representative from a school district organized under Article 34 of this Code.

The State Superintendent shall ensure that the membership of the Panel includes representatives from school districts and communities reflecting the geographic, socio-economic, racial, and ethnic diversity

of this State. The State Superintendent shall additionally ensure that the membership of the Panel includes representatives with expertise in bilingual education and special education. Staff from the State Board shall staff the Panel.

(2) In addition to those Panel members appointed by the State Superintendent, 4 members of the General Assembly shall be appointed as follows: one member of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the Senate appointed by the President of the Senate, one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, and one member of the Senate appointed by the Minority Leader of the Senate. There shall be one additional member appointed by the Governor. All members appointed by legislative leaders or the Governor shall be non-voting, ex officio members.

(3) The Panel must study topics at the direction of the General Assembly or State Board of Education, as provided under paragraph (1). The Panel may also study the following topics at the direction of the chairperson:

(A) The format and scope of annual spending plans referenced in paragraph (9) of subsection (h) of this Section.

(B) The Comparable Wage Index under this Section.

(C) Maintenance and operations, including capital

maintenance and construction costs.

(D) "At-risk student" definition.

(E) Benefits.

(F) Technology.

(G) Local Capacity Target.

(H) Funding for Alternative Schools, Laboratory Schools, safe schools, and alternative learning opportunities programs.

(I) Funding for college and career acceleration strategies.

(J) Special education investments.

(K) Early childhood investments, in collaboration with the Illinois Early Learning Council.

(4) (Blank).

(5) Within 5 years after the implementation of this Section, and every 5 years thereafter, the Panel shall complete an evaluative study of the entire Evidence-Based Funding model, including an assessment of whether or not the formula is achieving State goals. The Panel shall report to the State Board, the General Assembly, and the Governor on the findings of the study.

(6) (Blank).

(7) To ensure that (i) the Adequacy Target calculation under subsection (b) accurately reflects the needs of students living in poverty or attending schools located in areas of high poverty, (ii) racial equity within the

Evidence-Based Funding formula is explicitly explored and advanced, and (iii) the funding goals of the formula distribution system established under this Section are sufficient to provide adequate funding for every student and to fully fund every school in this State, the Panel shall review the Essential Elements under paragraph (2) of subsection (b). The Panel shall consider all of the following in its review:

(A) The financial ability of school districts to provide instruction in a foreign language to every student and whether an additional Essential Element should be added to the formula to ensure that every student has access to instruction in a foreign language.

(B) The adult-to-student ratio for each Essential Element in which a ratio is identified. The Panel shall consider whether the ratio accurately reflects the staffing needed to support students living in poverty or who have traumatic backgrounds.

(C) Changes to the Essential Elements that may be required to better promote racial equity and eliminate structural racism within schools.

(D) The impact of investing $350,000,000 in additional funds each year under this Section and an estimate of when the school system will become fully funded under this level of appropriation.

(E) Provide an overview of alternative funding structures that would enable the State to become fully funded at an earlier date.

(F) The potential to increase efficiency and to find cost savings within the school system to expedite the journey to a fully funded system.

(G) The appropriate levels for reenrolling and graduating high-risk high school students who have been previously out of school. These outcomes shall include enrollment, attendance, skill gains, credit gains, graduation or promotion to the next grade level, and the transition to college, training, or employment, with an emphasis on progressively increasing the overall attendance.

(H) The evidence-based or research-based practices that are shown to reduce the gaps and disparities experienced by African American students in academic achievement and educational performance, including practices that have been shown to reduce disparities in disciplinary rates, drop-out rates, graduation rates, college matriculation rates, and college completion rates.

On or before December 31, 2021, the Panel shall report to the State Board, the General Assembly, and the Governor on the findings of its review. This paragraph (7) is inoperative on and after July 1, 2022.

(j) References. Beginning July 1, 2017, references in other laws to general State aid funds or calculations under Section 18-8.05 of this Code (now repealed) shall be deemed to be references to evidence-based model formula funds or calculations under this Section.

(Source: P.A. 101-10, eff. 6-5-19; 101-17, eff. 6-14-19; 101-643, eff. 6-18-20; 101-654, eff. 3-8-21; 102-33, eff. 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21; 102-699, eff. 4-19-22; 102-782, eff. 1-1-23; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; revised 12-13-22.)

(105 ILCS 5/21B-20)

Sec. 21B-20. Types of licenses. The State Board of Education shall implement a system of educator licensure, whereby individuals employed in school districts who are required to be licensed must have one of the following licenses: (i) a professional educator license; (ii) an educator license with stipulations; (iii) a substitute teaching license; or (iv) until June 30, 2023, a short-term substitute teaching license. References in law regarding individuals certified or certificated or required to be certified or certificated under Article 21 of this Code shall also include individuals licensed or required to be licensed under this Article. The first year of all licenses ends on June 30 following one full year of the license being issued.

The State Board of Education, in consultation with the

State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to govern the requirements for licenses and endorsements under this Section.

(1) Professional Educator License. Persons who (i) have successfully completed an approved educator preparation program and are recommended for licensure by the Illinois institution offering the educator preparation program, (ii) have successfully completed the required testing under Section 21B-30 of this Code, (iii) have successfully completed coursework on the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation children with learning disabilities, (iv) have successfully completed coursework in methods of reading and reading in the content area, and (v) have met all other criteria established by rule of the State Board of Education shall be issued a Professional Educator License. All Professional Educator Licenses are valid until June 30 immediately following 5 years of the license being issued. The Professional Educator License shall be endorsed with specific areas and grade levels in which the individual is eligible to practice. For an early childhood education endorsement, an individual may satisfy the student teaching requirement of his or her early childhood teacher preparation program through placement in a setting with children from birth through grade 2, and the individual

may be paid and receive credit while student teaching. The student teaching experience must meet the requirements of and be approved by the individual's early childhood teacher preparation program.

Individuals can receive subsequent endorsements on the Professional Educator License. Subsequent endorsements shall require a minimum of 24 semester hours of coursework in the endorsement area and passage of the applicable content area test, unless otherwise specified by rule.

(2) Educator License with Stipulations. An Educator License with Stipulations shall be issued an endorsement that limits the license holder to one particular position or does not require completion of an approved educator program or both.

An individual with an Educator License with Stipulations must not be employed by a school district or any other entity to replace any presently employed teacher who otherwise would not be replaced for any reason.

An Educator License with Stipulations may be issued with the following endorsements:

(A) (Blank).

(B) Alternative provisional educator. An alternative provisional educator endorsement on an Educator License with Stipulations may be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

(i) Graduated from a regionally accredited college or university with a minimum of a bachelor's degree.

(ii) Successfully completed the first phase of the Alternative Educator Licensure Program for Teachers, as described in Section 21B-50 of this Code.

(iii) Passed a content area test, as required under Section 21B-30 of this Code.

The alternative provisional educator endorsement is valid for 2 years of teaching and may be renewed for a third year by an individual meeting the requirements set forth in Section 21B-50 of this Code.

(C) Alternative provisional superintendent. An alternative provisional superintendent endorsement on an Educator License with Stipulations entitles the holder to serve only as a superintendent or assistant superintendent in a school district's central office. This endorsement may only be issued to an applicant who, at the time of applying for the endorsement, has done all of the following:

(i) Graduated from a regionally accredited college or university with a minimum of a master's degree in a management field other than education.

(ii) Been employed for a period of at least 5 years in a management level position in a field

other than education.

(iii) Successfully completed the first phase of an alternative route to superintendent endorsement program, as provided in Section 21B-55 of this Code.

(iv) Passed a content area test required under Section 21B-30 of this Code.

The endorsement is valid for 2 fiscal years in order to complete one full year of serving as a superintendent or assistant superintendent.

(D) (Blank).

(E) Career and technical educator. A career and technical educator endorsement on an Educator License with Stipulations may be issued to an applicant who has a minimum of 60 semester hours of coursework from a regionally accredited institution of higher education or an accredited trade and technical institution and has a minimum of 2,000 hours of experience outside of education in each area to be taught.

The career and technical educator endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed.

An individual who holds a valid career and technical educator endorsement on an Educator License with Stipulations but does not hold a bachelor's

degree may substitute teach in career and technical education classrooms.

(F) (Blank).

(G) Transitional bilingual educator. A transitional bilingual educator endorsement on an Educator License with Stipulations may be issued for the purpose of providing instruction in accordance with Article 14C of this Code to an applicant who provides satisfactory evidence that he or she meets all of the following requirements:

(i) Possesses adequate speaking, reading, and writing ability in the language other than English in which transitional bilingual education is offered.

(ii) Has the ability to successfully communicate in English.

(iii) Either possessed, within 5 years previous to his or her applying for a transitional bilingual educator endorsement, a valid and comparable teaching certificate or comparable authorization issued by a foreign country or holds a degree from an institution of higher learning in a foreign country that the State Educator Preparation and Licensure Board determines to be the equivalent of a bachelor's degree from a regionally accredited institution of higher

learning in the United States.

A transitional bilingual educator endorsement shall be valid for prekindergarten through grade 12, is valid until June 30 immediately following 5 years of the endorsement being issued, and shall not be renewed.

Persons holding a transitional bilingual educator endorsement shall not be employed to replace any presently employed teacher who otherwise would not be replaced for any reason.

(H) Language endorsement. In an effort to alleviate the shortage of teachers speaking a language other than English in the public schools, an individual who holds an Educator License with Stipulations may also apply for a language endorsement, provided that the applicant provides satisfactory evidence that he or she meets all of the following requirements:

(i) Holds a transitional bilingual endorsement.

(ii) Has demonstrated proficiency in the language for which the endorsement is to be issued by passing the applicable language content test required by the State Board of Education.

(iii) Holds a bachelor's degree or higher from a regionally accredited institution of higher

education or, for individuals educated in a country other than the United States, holds a degree from an institution of higher learning in a foreign country that the State Educator Preparation and Licensure Board determines to be the equivalent of a bachelor's degree from a regionally accredited institution of higher learning in the United States.

(iv) (Blank).

A language endorsement on an Educator License with Stipulations is valid for prekindergarten through grade 12 for the same validity period as the individual's transitional bilingual educator endorsement on the Educator License with Stipulations and shall not be renewed.

(I) Visiting international educator. A visiting international educator endorsement on an Educator License with Stipulations may be issued to an individual who is being recruited by a particular school district that conducts formal recruitment programs outside of the United States to secure the services of qualified teachers and who meets all of the following requirements:

(i) Holds the equivalent of a minimum of a bachelor's degree issued in the United States.

(ii) Has been prepared as a teacher at the

grade level for which he or she will be employed.

(iii) Has adequate content knowledge in the subject to be taught.

(iv) Has an adequate command of the English language.

A holder of a visiting international educator endorsement on an Educator License with Stipulations shall be permitted to teach in bilingual education programs in the language that was the medium of instruction in his or her teacher preparation program, provided that he or she passes the English Language Proficiency Examination or another test of writing skills in English identified by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

A visiting international educator endorsement on an Educator License with Stipulations is valid for 5 years and shall not be renewed.

(J) Paraprofessional educator. A paraprofessional educator endorsement on an Educator License with Stipulations may be issued to an applicant who holds a high school diploma or its recognized equivalent and (i) holds an associate's degree or a minimum of 60 semester hours of credit from a regionally accredited institution of higher education; (ii) has passed a paraprofessional competency test under subsection

(c-5) of Section 21B-30; or (iii) is at least 18 years of age and will be using the Educator License with Stipulations exclusively for grades prekindergarten through grade 8, until the individual reaches the age of 19 years and otherwise meets the criteria for a paraprofessional educator endorsement pursuant to this subparagraph (J). The paraprofessional educator endorsement is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed through application and payment of the appropriate fee, as required under Section 21B-40 of this Code. An individual who holds only a paraprofessional educator endorsement is not subject to additional requirements in order to renew the endorsement.

(K) Chief school business official. A chief school business official endorsement on an Educator License with Stipulations may be issued to an applicant who qualifies by having a master's degree or higher, 2 years of full-time administrative experience in school business management or 2 years of university-approved practical experience, and a minimum of 24 semester hours of graduate credit in a program approved by the State Board of Education for the preparation of school business administrators and by passage of the applicable State tests, including an applicable

content area test.

The chief school business official endorsement may also be affixed to the Educator License with Stipulations of any holder who qualifies by having a master's degree in business administration, finance, accounting, or public administration and who completes an additional 6 semester hours of internship in school business management from a regionally accredited institution of higher education and passes the applicable State tests, including an applicable content area test. This endorsement shall be required for any individual employed as a chief school business official.

The chief school business official endorsement on an Educator License with Stipulations is valid until June 30 immediately following 5 years of the endorsement being issued and may be renewed if the license holder completes renewal requirements as required for individuals who hold a Professional Educator License endorsed for chief school business official under Section 21B-45 of this Code and such rules as may be adopted by the State Board of Education.

The State Board of Education shall adopt any rules necessary to implement Public Act 100-288.

(L) Provisional in-state educator. A provisional

in-state educator endorsement on an Educator License with Stipulations may be issued to a candidate who has completed an Illinois-approved educator preparation program at an Illinois institution of higher education and who has not successfully completed an evidence-based assessment of teacher effectiveness but who meets all of the following requirements:

(i) Holds at least a bachelor's degree.

(ii) Has completed an approved educator preparation program at an Illinois institution.

(iii) Has passed an applicable content area test, as required by Section 21B-30 of this Code.

(iv) Has attempted an evidence-based assessment of teacher effectiveness and received a minimum score on that assessment, as established by the State Board of Education in consultation with the State Educator Preparation and Licensure Board.

A provisional in-state educator endorsement on an Educator License with Stipulations is valid for one full fiscal year after the date of issuance and may not be renewed.

(M) (Blank).

(N) Specialized services. A specialized services endorsement on an Educator License with Stipulations may be issued as defined and specified by rule.

(3) Substitute Teaching License. A Substitute Teaching License may be issued to qualified applicants for substitute teaching in all grades of the public schools, prekindergarten through grade 12. Substitute Teaching Licenses are not eligible for endorsements. Applicants for a Substitute Teaching License must hold a bachelor's degree or higher from a regionally accredited institution of higher education or must be enrolled in an approved educator preparation program in this State and have earned at least 90 credit hours.

Substitute Teaching Licenses are valid for 5 years.

Substitute Teaching Licenses are valid for substitute teaching in every county of this State. If an individual has had his or her Professional Educator License or Educator License with Stipulations suspended or revoked, then that individual is not eligible to obtain a Substitute Teaching License.

A substitute teacher may only teach in the place of a licensed teacher who is under contract with the employing board. If, however, there is no licensed teacher under contract because of an emergency situation, then a district may employ a substitute teacher for no longer than 30 calendar days per each vacant position in the district if the district notifies the appropriate regional office of education within 5 business days after the employment of the substitute teacher in the emergency

situation. An emergency situation is one in which an unforeseen vacancy has occurred and (i) a teacher is unable to fulfill his or her contractual duties or (ii) teacher capacity needs of the district exceed previous indications, and the district is actively engaged in advertising to hire a fully licensed teacher for the vacant position.

There is no limit on the number of days that a substitute teacher may teach in a single school district, provided that no substitute teacher may teach for longer than 120 days beginning with the 2021-2022 school year through the 2022-2023 school year, otherwise 90 school days for any one licensed teacher under contract in the same school year. A substitute teacher who holds a Professional Educator License or Educator License with Stipulations shall not teach for more than 120 school days for any one licensed teacher under contract in the same school year. The limitations in this paragraph (3) on the number of days a substitute teacher may be employed do not apply to any school district operating under Article 34 of this Code.

A school district may not require an individual who holds a valid Professional Educator License or Educator License with Stipulations to seek or hold a Substitute Teaching License to teach as a substitute teacher.

(4) Short-Term Substitute Teaching License. Beginning

on July 1, 2018 and until June 30, 2023, the State Board of Education may issue a Short-Term Substitute Teaching License. A Short-Term Substitute Teaching License may be issued to a qualified applicant for substitute teaching in all grades of the public schools, prekindergarten through grade 12. Short-Term Substitute Teaching Licenses are not eligible for endorsements. Applicants for a Short-Term Substitute Teaching License must hold an associate's degree or have completed at least 60 credit hours from a regionally accredited institution of higher education.

Short-Term Substitute Teaching Licenses are valid for substitute teaching in every county of this State. If an individual has had his or her Professional Educator License or Educator License with Stipulations suspended or revoked, then that individual is not eligible to obtain a Short-Term Substitute Teaching License.

The provisions of Sections 10-21.9 and 34-18.5 of this Code apply to short-term substitute teachers.

An individual holding a Short-Term Substitute Teaching License may teach no more than 15 consecutive days per licensed teacher who is under contract. For teacher absences lasting 6 or more days per licensed teacher who is under contract, a school district may not hire an individual holding a Short-Term Substitute Teaching License, unless the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the

Illinois Emergency Management Agency Act. An individual holding a Short-Term Substitute Teaching License must complete the training program under Section 10-20.67 or 34-18.60 of this Code to be eligible to teach at a public school. This paragraph (4) is inoperative on and after July 1, 2023.

(Source: P.A. 101-81, eff. 7-12-19; 101-220, eff. 8-7-19; 101-594, eff. 12-5-19; 101-643, eff. 6-18-20; 102-711, eff. 1-1-23; 102-712, eff. 4-27-22; 102-713, eff. 1-1-23; 102-717, eff. 4-29-22; 102-894, eff. 5-20-22; revised 12-13-22.)

(105 ILCS 5/21B-45)

Sec. 21B-45. Professional Educator License renewal.

(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.

Individuals holding a Professional Educator License shall meet the renewal requirements set forth in this Section, unless otherwise provided in this Code. If an individual holds a license endorsed in more than one area that has different renewal requirements, that individual shall follow the renewal requirements for the position for which he or she spends the majority of his or her time working.

(b) All Professional Educator Licenses not renewed as provided in this Section shall lapse on September 1 of that

year. Notwithstanding any other provisions of this Section, if a license holder's electronic mail address is available, the State Board of Education shall send him or her notification electronically that his or her license will lapse if not renewed, to be sent no more than 6 months prior to the license lapsing. Lapsed licenses may be immediately reinstated upon (i) payment to the State Board of Education by the applicant of a $50 penalty or (ii) the demonstration of proficiency by completing 9 semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas. Any and all back fees, including without limitation registration fees owed from the time of expiration of the license until the date of reinstatement, shall be paid and kept in accordance with the provisions in Article 3 of this Code concerning an institute fund and the provisions in Article 21B of this Code concerning fees and requirements for registration. Licenses not registered in accordance with Section 21B-40 of this Code shall lapse after a period of 6 months from the expiration of the last year of registration or on January 1 of the fiscal year following initial issuance of the license. An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and in a charter school. Any license or endorsement may be voluntarily surrendered by the license holder. A voluntarily

surrendered license shall be treated as a revoked license. An Educator License with Stipulations with only a paraprofessional endorsement does not lapse.

(c) From July 1, 2013 through June 30, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee with an administrative endorsement who is working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, per fiscal year.

(c-5) All licenses issued by the State Board of Education under this Article that expire on June 30, 2020 and have not been renewed by the end of the 2020 renewal period shall be extended for one year and shall expire on June 30, 2021.

(d) Beginning July 1, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee may create a professional development plan each year. The plan shall address one or more of the endorsements that are required of his or her educator position if the licensee is employed and performing services in an Illinois public or State-operated school or cooperative. If the licensee is employed in a charter school, the plan shall address that endorsement or those endorsements most closely related to his or her educator position. Licensees employed and performing services in any other Illinois schools may participate in the renewal

requirements by adhering to the same process.

Except as otherwise provided in this Section, the licensee's professional development activities shall align with one or more of the following criteria:

(1) activities are of a type that engages ~~engage~~ participants over a sustained period of time allowing for analysis, discovery, and application as they relate to student learning, social or emotional achievement, or well-being;

(2) professional development aligns to the licensee's performance;

(3) outcomes for the activities must relate to student growth or district improvement;

(4) activities align to State-approved standards; and

(5) higher education coursework.

(e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider's name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided

in this Section.

(2) Beginning with his or her first full 5-year cycle, any licensee with an administrative endorsement who is not working in a position requiring such endorsement is not required to complete Illinois Administrators' Academy courses, as described in Article 2 of this Code. Such licensees must complete one Illinois Administrators' Academy course within one year after returning to a position that requires the administrative endorsement.

(3) Any licensee with an administrative endorsement who is working in a position requiring such endorsement or an individual with a Teacher Leader endorsement serving in an administrative capacity at least 50% of the day shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, each fiscal year in addition to 100 hours of professional development per 5-year renewal cycle in accordance with this Code. However, for the 2021-2022 school year only, a licensee under this paragraph (3) is not required to complete an Illinois Administrators' Academy course.

(4) Any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 hours of professional development per 5-year renewal cycle in order to renew the license.

(5) Licensees working in a position that does not

require educator licensure or working in a position for less than 50% for any particular year are considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license.

(6) Licensees who are retired and qualify for benefits from a State of Illinois retirement system shall be listed as retired, and the license shall be maintained in retired status. For any renewal cycle in which a licensee retires during the renewal cycle, the licensee must complete professional development activities on a prorated basis depending on the number of years during the renewal cycle the educator held an active license. If a licensee retires during a renewal cycle, the license status must be updated using ELIS indicating that the licensee wishes to maintain the license in retired status and the licensee must show proof of completion of professional development activities on a prorated basis for all years of that renewal cycle for which the license was active. An individual with a license in retired status shall not be required to complete professional development activities until returning to a position that requires educator licensure. Upon returning to work in a position that requires the Professional Educator License, the license status shall immediately be updated using ELIS and the licensee shall complete renewal requirements for that year. A retired teacher, even if

returning to a position that requires educator licensure, shall not be required to pay registration fees. A license in retired status cannot lapse. Beginning on January 6, 2017 (the effective date of Public Act 99-920) through December 31, 2017, any licensee who has retired and whose license has lapsed for failure to renew as provided in this Section may reinstate that license and maintain it in retired status upon providing proof to the State Board of Education using ELIS that the licensee is retired and is not working in a position that requires a Professional Educator License.

(7) For any renewal cycle in which professional development hours were required, but not fulfilled, the licensee shall complete any missed hours to total the minimum professional development hours required in this Section prior to September 1 of that year. Professional development hours used to fulfill the minimum required hours for a renewal cycle may be used for only one renewal cycle. For any fiscal year or renewal cycle in which an Illinois Administrators' Academy course was required but not completed, the licensee shall complete any missed Illinois Administrators' Academy courses prior to September 1 of that year. The licensee may complete all deficient hours and Illinois Administrators' Academy courses while continuing to work in a position that requires that license until September 1 of that year.

(8) Any licensee who has not fulfilled the professional development renewal requirements set forth in this Section at the end of any 5-year renewal cycle is ineligible to register his or her license and may submit an appeal to the State Superintendent of Education for reinstatement of the license.

(9) If professional development opportunities were unavailable to a licensee, proof that opportunities were unavailable and request for an extension of time beyond August 31 to complete the renewal requirements may be submitted from April 1 through June 30 of that year to the State Educator Preparation and Licensure Board. If an extension is approved, the license shall remain valid during the extension period.

(10) Individuals who hold exempt licenses prior to December 27, 2013 (the effective date of Public Act 98-610) shall commence the annual renewal process with the first scheduled registration due after December 27, 2013 (the effective date of Public Act 98-610).

(11) Notwithstanding any other provision of this subsection (e), if a licensee earns more than the required number of professional development hours during a renewal cycle, then the licensee may carry over any hours earned from April 1 through June 30 of the last year of the renewal cycle. Any hours carried over in this manner must be applied to the next renewal cycle. Illinois

Administrators' Academy courses or hours earned in those courses may not be carried over.

(e-5) The number of professional development hours required under subsection (e) is reduced by 20% for any renewal cycle that includes the 2021-2022 school year.

(f) At the time of renewal, each licensee shall respond to the required questions under penalty of perjury.

(f-5) The State Board of Education shall conduct random audits of licensees to verify a licensee's fulfillment of the professional development hours required under this Section. Upon completion of a random audit, if it is determined by the State Board of Education that the licensee did not complete the required number of professional development hours or did not provide sufficient proof of completion, the licensee shall be notified that his or her license has lapsed. A license that has lapsed under this subsection may be reinstated as provided in subsection (b).

(g) The following entities shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses:

(1) The State Board of Education.

(2) Regional offices of education and intermediate service centers.

(3) Illinois professional associations representing the following groups that are approved by the State Superintendent of Education:

(A) school administrators;

(B) principals;

(C) school business officials;

(D) teachers, including special education teachers;

(E) school boards;

(F) school districts;

(G) parents; and

(H) school service personnel.

(4) Regionally accredited institutions of higher education that offer Illinois-approved educator preparation programs and public community colleges subject to the Public Community College Act.

(5) Illinois public school districts, charter schools authorized under Article 27A of this Code, and joint educational programs authorized under Article 10 of this Code for the purposes of providing career and technical education or special education services.

(6) A not-for-profit organization that, as of December 31, 2014 (the effective date of Public Act 98-1147), has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Learning to Illinois school districts, teachers, or administrators.

(7) State agencies, State boards, and State commissions.

(8) Museums as defined in Section 10 of the Museum Disposition of Property Act.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(1) increase the knowledge and skills of school and district leaders who guide continuous professional development;

(2) improve the learning of students;

(3) organize adults into learning communities whose goals are aligned with those of the school and district;

(4) deepen educator's content knowledge;

(5) provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards;

(6) prepare educators to appropriately use various types of classroom assessments;

(7) use learning strategies appropriate to the intended goals;

(8) provide educators with the knowledge and skills to collaborate;

(9) prepare educators to apply research to decision making;

(10) provide educators with training on inclusive practices in the classroom that examines instructional and behavioral strategies that improve academic and

social-emotional outcomes for all students, with or without disabilities, in a general education setting; or

(11) beginning on July 1, 2022, provide educators with training on the physical and mental health needs of students, student safety, educator ethics, professional conduct, and other topics that address the well-being of students and improve the academic and social-emotional outcomes of students.

(i) Approved providers under subsection (g) of this Section shall do the following:

(1) align professional development activities to the State-approved national standards for professional learning;

(2) meet the professional development criteria for Illinois licensure renewal;

(3) produce a rationale for the activity that explains how it aligns to State standards and identify the assessment for determining the expected impact on student learning or school improvement;

(4) maintain original documentation for completion of activities;

(5) provide license holders with evidence of completion of activities;

(6) request an Illinois Educator Identification Number (IEIN) for each educator during each professional development activity; and

(7) beginning on July 1, 2019, register annually with the State Board of Education prior to offering any professional development opportunities in the current fiscal year.

(j) The State Board of Education shall conduct annual audits of a subset of approved providers, except for school districts, which shall be audited by regional offices of education and intermediate service centers. The State Board of Education shall ensure that each approved provider, except for a school district, is audited at least once every 5 years. The State Board of Education may conduct more frequent audits of providers if evidence suggests the requirements of this Section or administrative rules are not being met.

(1) (Blank).

(2) Approved providers shall comply with the requirements in subsections (h) and (i) of this Section by annually submitting data to the State Board of Education demonstrating how the professional development activities impacted one or more of the following:

(A) educator and student growth in regards to content knowledge or skills, or both;

(B) educator and student social and emotional growth; or

(C) alignment to district or school improvement plans.

(3) The State Superintendent of Education shall review

the annual data collected by the State Board of Education, regional offices of education, and intermediate service centers in audits to determine if the approved provider has met the criteria and should continue to be an approved provider or if further action should be taken as provided in rules.

(k) Registration fees shall be paid for the next renewal cycle between April 1 and June 30 in the last year of each 5-year renewal cycle using ELIS. If all required professional development hours for the renewal cycle have been completed and entered by the licensee, the licensee shall pay the registration fees for the next cycle using a form of credit or debit card.

(l) Any professional educator licensee endorsed for school support personnel who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation or a national certification board, as approved by the State Board of Education, related to the endorsement areas on the Professional Educator License shall be deemed to have satisfied the continuing professional development requirements provided for in this Section. Such individuals shall be required to pay only registration fees to renew the Professional Educator License. An individual who does not hold a license issued by the Department of Financial and Professional Regulation shall complete professional

development requirements for the renewal of a Professional Educator License provided for in this Section.

(m) Appeals to the State Educator Preparation and Licensure Board must be made within 30 days after receipt of notice from the State Superintendent of Education that a license will not be renewed based upon failure to complete the requirements of this Section. A licensee may appeal that decision to the State Educator Preparation and Licensure Board in a manner prescribed by rule.

(1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested, to the State Board of Education.

(2) The State Educator Preparation and Licensure Board shall review each appeal regarding renewal of a license within 90 days after receiving the appeal in order to determine whether the licensee has met the requirements of this Section. The State Educator Preparation and Licensure Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of the following:

(A) the regional superintendent of education's rationale for recommending nonrenewal of the license, if applicable;

(B) any evidence submitted to the State Superintendent along with the individual's electronic

statement of assurance for renewal; and

(C) the State Superintendent's rationale for nonrenewal of the license.

(3) The State Educator Preparation and Licensure Board shall notify the licensee of its decision regarding license renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the licensee, using ELIS, shall pay the applicable registration fee for the next cycle using a form of credit or debit card.

(n) The State Board of Education may adopt rules as may be necessary to implement this Section.

(Source: P.A. 101-85, eff. 1-1-20; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20; 102-676, eff. 12-3-21; 102-710, eff. 4-27-22; 102-730, eff. 5-6-22; 102-852, eff. 5-13-22; revised 8-25-22.)

(105 ILCS 5/24-6)

Sec. 24-6. Sick leave. The school boards of all school districts, including special charter districts, but not including school districts in municipalities of 500,000 or more, shall grant their full-time teachers, and also shall grant such of their other employees as are eligible to participate in the Illinois Municipal Retirement Fund under the "600-Hour Standard" established, or under such other

eligibility participation standard as may from time to time be established, by rules and regulations now or hereafter promulgated by the Board of that Fund under Section 7-198 of the Illinois Pension Code, as now or hereafter amended, sick leave provisions not less in amount than 10 days at full pay in each school year. If any such teacher or employee does not use the full amount of annual leave thus allowed, the unused amount shall be allowed to accumulate to a minimum available leave of 180 days at full pay, including the leave of the current year. Sick leave shall be interpreted to mean personal illness, mental or behavioral health complications, quarantine at home, or serious illness or death in the immediate family or household. The school board may require a certificate from a physician licensed in Illinois to practice medicine and surgery in all its branches, a mental health professional licensed in Illinois providing ongoing care or treatment to the teacher or employee, a chiropractic physician licensed under the Medical Practice Act of 1987, a licensed advanced practice registered nurse, a licensed physician assistant, or, if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the teacher's or employee's faith as a basis for pay during leave after an absence of 3 days for personal illness or as the school board may deem necessary in other cases. If the school board does require a certificate as a basis for pay during leave of less than 3 days for personal illness, the school board shall pay, from school funds, the

expenses incurred by the teachers or other employees in obtaining the certificate.

Sick leave shall also be interpreted to mean birth, adoption, placement for adoption, and the acceptance of a child in need of foster care. Teachers and other employees to which this Section applies are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Paid sick leave because of the birth of a child may be used absent medical certification for up to 30 working school days, which days may be used at any time within the 12-month period following the birth of the child. The use of up to 30 working school days of paid sick leave because of the birth of a child may not be diminished as a result of any intervening period of nonworking days or school not being in session, such as for summer, winter, or spring break or holidays, that may occur during the use of the paid sick leave. For paid sick leave for adoption, placement for adoption, or the acceptance of a child in need of foster care, the school board may require that the teacher or other employee to which this Section applies provide evidence that the formal adoption process or the formal foster care process is underway, and such sick leave is limited to 30 days unless a longer leave has been negotiated with the exclusive bargaining representative. Paid sick leave for adoption, placement for adoption, or the acceptance of a child in need of foster care need not be used consecutively

once the formal adoption process or the formal foster care process is underway, and such sick leave may be used for reasons related to the formal adoption process or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, in addition to using such sick leave upon taking custody of the child or accepting the child in need of foster care.

If, by reason of any change in the boundaries of school districts, or by reason of the creation of a new school district, the employment of a teacher is transferred to a new or different board, the accumulated sick leave of such teacher is not thereby lost, but is transferred to such new or different district.

Any sick leave used by a teacher or employee during the 2021-2022 school year shall be returned to a teacher or employee who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 10-20.83 of this Code, if:

(1) the sick leave was taken because the teacher or employee was restricted from being on school district property because the teacher or employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the teacher or employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

For purposes of return of sick leave used in the 2021-2022 school year pursuant this Section, an "employee" is a teacher or employee employed by the school district on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Leave shall be returned to a teacher or employee pursuant

to this Section provided that the teacher or employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 10-20.83 of this Code no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

No school may rescind any sick leave returned to a teacher or employee on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the teacher or employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 10-20.83 of this Code, at the time the sick leave was returned to the teacher or employee.

For purposes of this Section, "immediate family" shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians.

(Source: P.A. 102-275, eff. 8-6-21; 102-697, eff. 4-5-22; 102-866, eff. 5-13-22; revised 8-25-22.)

(105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

Sec. 26-2. Enrolled pupils not of compulsory school age.

(a) Any person having custody or control of a child who is below the age of 6 years or is 17 years of age or above and who

is enrolled in any of grades kindergarten through 12 in the public school shall cause the child to attend the public school in the district wherein he or she resides when it is in session during the regular school term, unless the child is excused under Section 26-1 of this Code.

(b) A school district shall deny reenrollment in its secondary schools to any child 19 years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a State of Illinois High School Diploma.

(c) A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 years of age or older but below 19 years for more than one consecutive semester for failure to meet attendance standards.

(d) No child may be denied reenrollment under this Section in violation of the federal Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the

educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803.

(Source: P.A. 102-981, eff. 1-1-23; 102-1100, eff. 1-1-23; revised 12-13-22.)

(105 ILCS 5/27-22) (from Ch. 122, par. 27-22)

Sec. 27-22. Required high school courses.

(a) (Blank).

(b) (Blank).

(c) (Blank).

(d) (Blank).

(e) Through the 2023-2024 school year, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive

courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I, one of which must include geometry content, and one of which may be an Advanced Placement computer science course. A mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path.

(3.5) For pupils entering the 9th grade in the 2022-2023 school year and 2023-2024 school year, one year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject and which may be counted toward the fulfillment of other graduation requirements.

(4) Two years of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government and, beginning with pupils entering the 9th grade in the 2016-2017 school year and each school year thereafter, at least one semester must be civics, which shall help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives. Civics course

content shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. School districts may utilize private funding available for the purposes of offering civics education. Beginning with pupils entering the 9th grade in the 2021-2022 school year, one semester, or part of one semester, may include a financial literacy course.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, (D) vocational education, or (E) forensic speech (speech and debate). A forensic speech course used to satisfy the course requirement under subdivision (1) may not be used to satisfy the course requirement under this subdivision (6).

(e-5) Beginning with the 2024-2025 school year, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. If applicable, writing-intensive courses may be counted toward the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I, one of which must include geometry content, and one of which may be an Advanced Placement computer science course. A mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path.

(3.5) One year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject and which may be counted toward the fulfillment of other graduation requirements.

(4) Two years of laboratory science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government and at least one semester must be civics, which shall help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives. Civics course content shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. School districts may utilize private funding available for the purposes of offering civics

education. One semester, or part of one semester, may include a financial literacy course.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, (D) vocational education, or (E) forensic speech (speech and debate). A forensic speech course used to satisfy the course requirement under subdivision (1) may not be used to satisfy the course requirement under this subdivision (6).

(e-10) Beginning with the 2028-2029 school year, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete 2 years of foreign language courses, which may include American Sign Language. A pupil may choose a third year of foreign language to satisfy the requirement under subdivision ~~paragraph~~ (6) of subsection (e-5).

(f) The State Board of Education shall develop and inform school districts of standards for writing-intensive coursework.

(f-5) If a school district offers an Advanced Placement computer science course to high school students, then the school board must designate that course as equivalent to a high school mathematics course and must denote on the student's transcript that the Advanced Placement computer science course qualifies as a mathematics-based, quantitative

course for students in accordance with subdivision (3) of subsection (e) of this Section.

(g) Public Act 83-1082 ~~This amendatory Act of 1983~~ does not apply to pupils entering the 9th grade in 1983-1984 school year and prior school years or to students with disabilities whose course of study is determined by an individualized education program.

Public Act 94-676 ~~This amendatory Act of the 94th General Assembly~~ does not apply to pupils entering the 9th grade in the 2004-2005 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

Subdivision (3.5) of subsection (e) does not apply to pupils entering the 9th grade in the 2021-2022 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

Subsection (e-5) does not apply to pupils entering the 9th grade in the 2023-2024 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program. Subsection (e-10) does not apply to pupils entering the 9th grade in the 2027-2028 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

(h) The provisions of this Section are subject to the

provisions of Section 27-22.05 of this Code and the Postsecondary and Workforce Readiness Act.

(i) The State Board of Education may adopt rules to modify the requirements of this Section for any students enrolled in grades 9 through 12 if the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(Source: P.A. 101-464, eff. 1-1-20; 101-643, eff. 6-18-20; 101-654, Article 50, Section 50-5, eff. 3-8-21; 101-654, Article 60, Section 60-5, eff. 3-8-21; 102-366, eff. 8-13-21; 102-551, eff. 1-1-22; 102-864, eff. 5-13-22; revised 9-2-22.)

(105 ILCS 5/27A-5)

(Text of Section before amendment by P.A. 102-466 and 102-702)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school

in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must

include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular

health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are

not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act,

all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying

prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

(13) Sections 10-20.63 and 34-18.56 of this Code;

(14) Sections 22-90 and 26-18 of this Code;

(15) Section 22-30 of this Code;

(16) Sections 24-12 and 34-85 of this Code;

(17) the Seizure Smart School Act;

(18) Section 2-3.64a-10 of this Code;

(19) Sections 10-20.73 and 34-21.9 of this Code;

(20) Section 10-22.25b of this Code;

(21) Section 27-9.1a of this Code;

(22) Section 27-9.1b of this Code;

(23) Section 34-18.8 of this Code;

(25) Section 2-3.188 of this Code;

(26) Section 22-85.5 of this Code;

(27) subsections ~~Subsections~~ (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~

(28) Sections 10-20.83 and 34-18.78 of this Code;~~.~~

(29) ~~(27)~~ Section 10-20.13 of this Code;

(30) ~~(28)~~ Section 28-19.2 of this Code; and

(31) ~~(29)~~ Section 34-21.6 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-702 but before amendment by P.A. 102-466)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian,

nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter

school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education

and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall

be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each

charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of

officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

(13) Sections 10-20.63 and 34-18.56 of this Code;

(14) Sections 22-90 and 26-18 of this Code;

(15) Section 22-30 of this Code;

(16) Sections 24-12 and 34-85 of this Code;

(17) the Seizure Smart School Act;

(18) Section 2-3.64a-10 of this Code;

(19) Sections 10-20.73 and 34-21.9 of this Code;

(20) Section 10-22.25b of this Code;

(21) Section 27-9.1a of this Code;

(22) Section 27-9.1b of this Code;

(23) Section 34-18.8 of this Code; ~~and~~

(25) Section 2-3.188 of this Code;

(26) Section 22-85.5 of this Code;

(27) subsections ~~Subsections~~ (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~

(28) Sections 10-20.83 and 34-18.78 of this Code;~~.~~

(29) ~~(27)~~ Section 10-20.13 of this Code;

(30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~

(31) ~~(29)~~ Section 34-21.6 of this Code; and~~.~~

(32) ~~(25)~~ Section 22-85.10 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of

the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.

8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(Text of Section after amendment by P.A. 102-466)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with

their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. No later than January 1, 2021 (one year after the effective date of Public Act 101-291), a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year

of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State

Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the

management and operation of its fiscal affairs, including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of

the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

(13) Sections 10-20.63 and 34-18.56 of this Code;

(14) Sections 22-90 and 26-18 of this Code;

(15) Section 22-30 of this Code;

(16) Sections 24-12 and 34-85 of this Code;

(17) the Seizure Smart School Act;

(18) Section 2-3.64a-10 of this Code;

(19) Sections 10-20.73 and 34-21.9 of this Code;

(20) Section 10-22.25b of this Code;

(21) Section 27-9.1a of this Code;

(22) Section 27-9.1b of this Code;

(23) Section 34-18.8 of this Code;

(24) Article 26A of this Code; ~~and~~

(25) Section 2-3.188 of this Code;

(26) Section 22-85.5 of this Code;

(27) subsections ~~Subsections~~ (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code; ~~and~~

(28) Sections 10-20.83 and 34-18.78 of this Code;~~.~~

(29) ~~(27)~~ Section 10-20.13 of this Code;

(30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~

(31) ~~(29)~~ Section 34-21.6 of this Code; and~~.~~

(32) ~~(25)~~ Section 22-85.10 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert

for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district

facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the State Board or Commission, then the charter school is its own local education agency.

(Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

(Text of Section before amendment by P.A. 102-702)

Sec. 34-18.5. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database.

(a) Licensed and nonlicensed applicants for employment with the school district are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been

convicted of any disqualifying, enumerated criminal or drug offense in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as

prescribed by the Illinois State Police, to the Illinois State Police. The regional superintendent submitting the requisite information to the Illinois State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Illinois State Police shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse the school district and regional superintendent for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community

Notification Law, for each applicant. The check of the Statewide Sex Offender Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law, for each applicant. The check of the Murderer and Violent Offender Against Youth Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(b) Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the check was requested from the Illinois State Police by the regional superintendent, the State Board of Education and the school district as authorized under subsection (b-5), the State Superintendent of Education, the State Educator Preparation

and Licensure Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Illinois State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Illinois State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, then the regional superintendent shall issue to the

applicant a certificate evidencing that as of the date specified by the Illinois State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the applicant has not been identified in the Database. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Illinois State Police and its own check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database as provided in this Section. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

(b-5) If a criminal history records check or check of the

Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database is performed by a regional superintendent for an applicant seeking employment as a substitute teacher with the school district, the regional superintendent may disclose to the State Board of Education whether the applicant has been issued a certificate under subsection (b) based on those checks. If the State Board receives information on an applicant under this subsection, then it must indicate in the Educator Licensure Information System for a 90-day period that the applicant has been issued or has not been issued a certificate.

(c) The board of education shall not knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code, except as provided under subsection (b) of 21B-80. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. As a condition of employment, the board of education must consider the status of a person who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(d) The board of education shall not knowingly employ a

person for whom a criminal history records check and a Statewide Sex Offender Database check have not been initiated.

(e) Within 10 days after the general superintendent of schools, a regional office of education, or an entity that provides background checks of license holders to public schools receives information of a pending criminal charge against a license holder for an offense set forth in Section 21B-80 of this Code, the superintendent, regional office of education, or entity must notify the State Superintendent of Education of the pending criminal charge.

No later than 15 business days after receipt of a record of conviction or of checking the Statewide Murderer and Violent Offender Against Youth Database or the Statewide Sex Offender Database and finding a registration, the general superintendent of schools or the applicable regional superintendent shall, in writing, notify the State Superintendent of Education of any license holder who has been convicted of a crime set forth in Section 21B-80 of this Code. Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any license issued pursuant to Article 21B or Section 34-8.1 of this Code, the State Superintendent of Education may initiate licensure suspension and revocation proceedings as authorized by law. If the receipt of the record of conviction or finding of child abuse is received within 6 months after the initial grant of or renewal of a license, the State Superintendent of Education

may rescind the license holder's license.

(e-5) The general superintendent of schools shall, in writing, notify the State Superintendent of Education of any license holder whom he or she has reasonable cause to believe has committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, and that act resulted in the license holder's dismissal or resignation from the school district and must include the Illinois Educator Identification Number (IEIN) of the license holder and a brief description of the misconduct alleged. This notification must be submitted within 30 days after the dismissal or resignation. The license holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the State Superintendent of Education, the State Board of Education, or the State Educator Preparation and Licensure Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21B of this Code, (ii) pursuant to a court order, (iii) for disclosure to the license holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and

non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Illinois State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(f-5) Upon request of a school or school district, any information obtained by the school district pursuant to subsection (f) of this Section within the last year must be made available to the requesting school or school district.

(g) Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in the public schools, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the school district. Upon receipt of this authorization and payment, the school district shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the board. The Illinois State Police shall charge the school district a fee for conducting the check, which fee must not exceed the cost of the inquiry and must be deposited into the State Police Services Fund. The school district shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth

Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. The board may not knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the district.

A copy of the record of convictions obtained from the Illinois State Police must be provided to the student teacher. Any information concerning the record of convictions obtained by the president of the board is confidential and may only be transmitted to the general superintendent of schools or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Illinois State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

The board may not knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to subsection (c) of Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, the board may not allow a person to student teach if he or she has been found to be the perpetrator of sexual or physical abuse of

a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The board must consider the status of a person to student teach who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(h) (Blank).

(Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff. 1-1-22; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 102-1071, eff. 6-10-22.)

(Text of Section after amendment by P.A. 102-702)

Sec. 34-18.5. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database.

(a) Licensed and nonlicensed applicants for employment with the school district are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any disqualifying, enumerated criminal or drug offense in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any

other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police. The regional superintendent submitting the requisite information to the Illinois State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or

concurrent educational support personnel employee that the check of the applicant has been requested. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Illinois State Police shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse the school district and regional superintendent for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant. The check of the Statewide Sex Offender Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law, for each applicant. The check of the Murderer and Violent Offender Against Youth Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(b) Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the check was requested from the Illinois State Police by the regional superintendent, the State Board of Education and the school district as authorized under subsection (b-5), the State Superintendent of Education, the State Educator Preparation and Licensure Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Illinois State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database or Statewide

Murderer and Violent Offender Against Youth Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Illinois State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Illinois State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment

with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the applicant has not been identified in the Database. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Illinois State Police and its own check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database as provided in this Section. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

(b-5) If a criminal history records check or check of the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database is performed by a regional superintendent for an applicant seeking employment as a substitute teacher with the school district, the regional superintendent may disclose to the State Board of Education

whether the applicant has been issued a certificate under subsection (b) based on those checks. If the State Board receives information on an applicant under this subsection, then it must indicate in the Educator Licensure Information System for a 90-day period that the applicant has been issued or has not been issued a certificate.

(c) The board of education shall not knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code, except as provided under subsection (b) of 21B-80. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. As a condition of employment, the board of education must consider the status of a person who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(d) The board of education shall not knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check have not been initiated.

(e) Within 10 days after the general superintendent of schools, a regional office of education, or an entity that provides background checks of license holders to public

schools receives information of a pending criminal charge against a license holder for an offense set forth in Section 21B-80 of this Code, the superintendent, regional office of education, or entity must notify the State Superintendent of Education of the pending criminal charge.

No later than 15 business days after receipt of a record of conviction or of checking the Statewide Murderer and Violent Offender Against Youth Database or the Statewide Sex Offender Database and finding a registration, the general superintendent of schools or the applicable regional superintendent shall, in writing, notify the State Superintendent of Education of any license holder who has been convicted of a crime set forth in Section 21B-80 of this Code. Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any license issued pursuant to Article 21B or Section 34-8.1 of this Code, the State Superintendent of Education may initiate licensure suspension and revocation proceedings as authorized by law. If the receipt of the record of conviction or finding of child abuse is received within 6 months after the initial grant of or renewal of a license, the State Superintendent of Education may rescind the license holder's license.

(e-5) The general superintendent of schools shall, in writing, notify the State Superintendent of Education of any license holder whom he or she has reasonable cause to believe has committed (i) an intentional act of abuse or neglect with

the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act or (ii) an act of sexual misconduct, as defined in Section 22-85.5 of this Code, and that act resulted in the license holder's dismissal or resignation from the school district and must include the Illinois Educator Identification Number (IEIN) of the license holder and a brief description of the misconduct alleged. This notification must be submitted within 30 days after the dismissal or resignation. The license holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the State Superintendent of Education, the State Board of Education, or the State Educator Preparation and Licensure Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21B of this Code, (ii) pursuant to a court order, (iii) for disclosure to the license holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any

liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Illinois State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(f-5) Upon request of a school or school district, any information obtained by the school district pursuant to subsection (f) of this Section within the last year must be

made available to the requesting school or school district.

(g) Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in the public schools, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the school district. Upon receipt of this authorization and payment, the school district shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the board. The Illinois State Police shall charge the school district a fee for conducting the check, which fee must not exceed the cost of the inquiry and must be deposited into the State Police Services Fund. The school district shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. The board may not knowingly allow a person to student teach for

whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the district.

A copy of the record of convictions obtained from the Illinois State Police must be provided to the student teacher. Any information concerning the record of convictions obtained by the president of the board is confidential and may only be transmitted to the general superintendent of schools or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Illinois State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

The board may not knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to subsection (c) of Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, the board may not allow a person to student teach if he or she has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The board must consider the status of a person to student teach who has been

issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(h) (Blank).

(Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19; 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff. 1-1-22; 102-702, eff. 7-1-23; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 102-1071, eff. 6-10-22; revised 8-17-22.)

(105 ILCS 5/34-18.78)

Sec. 34-18.78. COVID-19 paid administrative leave.

(a) In this Section:

"Employee" means a person employed by the school district on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

"Fully vaccinated against COVID-19" means:

(1) 2 weeks after receiving the second dose in a 2-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the United States Food and Drug Administration; or

(2) 2 weeks after receiving a single dose of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the United States Food and Drug Administration.

"Fully vaccinated against COVID-19" also includes any

recommended booster doses for which the individual is eligible upon the adoption by the Department of Public Health of any changes made by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services to the definition of "fully vaccinated against COVID-19" to include any such booster doses. For purposes of this Section, individuals who are eligible for a booster dose but have not received a booster dose by 5 weeks after the Department of Public Health adopts a revised definition of "fully vaccinated against COVID-19" are not considered fully vaccinated for determining eligibility for future paid administrative leave pursuant to this Section.

"School district" includes charter schools established under Article 27A of this Code.

(b) During any time when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act and the school district, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the school district from being on school district property because the employee (i) has a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19, (ii) has a probable COVID-19 diagnosis via an antigen diagnostic test, (iii) has been in close contact with a person who had a

confirmed case of COVID-19 and is required to be excluded from the school, or (iv) is required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms, the employee of the school district shall receive as many days of administrative leave as required to abide by the public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative. Such leave shall be provided to an employee for any days for which the employee was required to be excluded from school property prior to April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~, provided that the employee receives all doses required to meet the definition of "fully vaccinated against COVID-19" under this Section no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

(c) An employee of the school district shall receive paid administrative leave pursuant to subsection (b) of this Section, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child has:

(1) a confirmed positive COVID-19 diagnosis via a

molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test;

(3) been in close contact with a person who has a confirmed case of COVID-19 and is required to be excluded from school; or

(4) been required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Such leave shall be provided to an employee for any days needed to care for a child of the employee prior to April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~, provided that the employee receives the doses required to meet the definition of "fully vaccinated against COVID-19" under this Section no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

(d) An employee of the school district who is on paid administrative leave pursuant to this Section must provide all documentation requested by the board.

(e) An employee of the school district who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section may not diminish any other leave or benefits of

the employee.

(f) An employee of the school district may not accrue paid administrative leave pursuant to this Section.

(g) For an employee of the school district to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received all required doses to be fully vaccinated against COVID-19, as defined in this Section; and

(2) participate in the COVID-19 testing program adopted by the school district to the extent such a testing program requires participation by individuals who are fully vaccinated against COVID-19.

(h) Nothing in this Section is intended to affect any right or remedy under federal law.

(i) No paid administrative leave awarded to or used by a fully vaccinated employee prior to the Department of Public Health's adoption of a revised definition of the term "fully vaccinated against COVID-19" may be rescinded on the basis that the employee no longer meets the definition of "fully vaccinated against COVID-19" based on the revised definition.
(Source: P.A. 102-697, eff. 4-5-22; revised 8-3-22.)

(105 ILCS 5/34-18.79)

Sec. 34-18.79 ~~34-18.78~~. Sick leave; mental or behavioral health complications. In addition to any interpretation or

definition included in a collective bargaining agreement or board of education or district policy, sick leave, or its equivalent, to which a teacher or other eligible employee is entitled shall be interpreted to include mental or behavioral health complications. Unless contrary to a collective bargaining agreement or board of education or district policy, the board may require a certificate from a mental health professional licensed in Illinois providing ongoing care or treatment to the teacher or employee as a basis for pay during leave after an absence of 3 days for mental or behavioral health complications.

(Source: P.A. 102-866, eff. 5-13-22; revised 8-3-22.)

(105 ILCS 5/34-18.80)

Sec. 34-18.80 ~~34-18.78~~. College and career readiness systems.

(a) Subject to subsection (c) of this Section, by July 1, 2024, the school district shall adopt and commence implementation of a postsecondary and career expectations framework for each of grades 6 through 12 that substantially aligns to the model framework adopted by State agencies pursuant to Section 15 of the Postsecondary and Workforce Readiness Act. The local postsecondary and career expectations framework shall be available on a prominent location on the school district's website.

The career exploration and career development activities

offered in alignment with the postsecondary and career expectations framework shall prepare students enrolled in grades 6 through 12 to make informed plans and decisions about their future education and career goals, including possible participation in a career and technical education pathway, by providing students with opportunities to explore a wide variety of high-skill, high-wage, and in-demand career fields.

(b) Subject to subsection (c) of this Section, the school district shall become an eligible school district and award College and Career Pathway Endorsements pursuant to the Postsecondary and Workforce Readiness Act and pursuant to the following schedule:

(1) for the high school graduating class of 2026, the school district shall offer College and Career Pathway Endorsements in at least one endorsement area;

(2) for the high school graduating class of 2028, the school district shall offer College and Career Pathway Endorsements in at least 2 endorsement areas; and

(3) for the high school graduating class of 2030, the school district shall offer College and Career Pathway Endorsements in at least 3 endorsement areas.

(c) The board may, by action of the board, opt out of implementation of all or any part of this Section through adoption of a set of findings that considers the following:

(1) the school district's current systems for college and career readiness;

(2) the school district's cost of implementation balanced against the potential benefits to students and families through improved postsecondary education and career outcomes;

(3) the willingness and capacity of local businesses to partner with the school district for successful implementation of pathways other than education;

(4) the availability of a statewide database of participating local business partners, as provided under the Postsecondary and Workforce Readiness Act, for the purpose of career readiness and the accessibility of those work experiences and apprenticeships listed in the database to the students of the school district; and

(5) the availability of properly licensed teachers or teachers meeting faculty credential standards for dual credit courses to instruct in the program required for the endorsement areas.

The school district must report its board findings and decision on implementation to the State Board of Education. If the school district elects to opt out of implementation, the district may reverse its decision in whole or in part at any time.

(d) The State Board of Education may adopt any rules necessary to implement this Section.

(Source: P.A. 102-917, eff. 1-1-23; revised 1-10-23.)

(105 ILCS 5/34-18.81)

Sec. 34-18.81 ~~34-18.78~~. Pilot program for remote learning for students in the custody of the Department of Corrections. The board may offer the option of remote learning to allow a student who is in the custody of the Department of Corrections to successfully complete the course requirements necessary to graduate from high school and receive a high school diploma. The school district may offer a remote learning option to a student if the student:

(1) is enrolled at Consuella B. York Alternative High School at the time the student is transferred to a Department of Corrections facility or institution or had been enrolled at Consuella B. York Alternative High School within the 6 months prior to being transferred to a Department of Corrections facility or institution; and

(2) is within 2 school years of completing all of the course requirements necessary to graduate from high school and receive a high school diploma.

The Department of Corrections educators and security staff shall be involved in assisting and supervising students participating in the pilot program. The Department of Corrections shall negotiate with all bargaining units involved to ensure that the implementation of the pilot program is consistent with collective bargaining agreements.

The school district may continue to offer the option of remote learning to the student for up to one school year

following the student's release from the custody of the Department of Corrections to allow the student to complete any remaining course requirements necessary to graduate from high school and receive a high school diploma.

The establishment of the pilot program described in this Section is contingent upon there being provided to the Department of Corrections sufficient appropriations to implement and administer the program.

(Source: P.A. 102-966, eff. 5-27-22; revised 8-3-22.)

(105 ILCS 5/34-21.6) (from Ch. 122, par. 34-21.6)

Sec. 34-21.6. Waiver of fees and fines.

(a) The board shall waive all fees and any fines for the loss of school property assessed by the district on children whose parents are unable to afford them, including but not limited to:

(1) children living in households that meet the free lunch or breakfast eligibility guidelines established by the federal government pursuant to Section 1758 of the federal Richard B. Russell National School Lunch Act (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et seq.) and students whose parents are veterans or active duty military personnel with income at or below 200% of the federal poverty level, subject to verification as set forth in subsection (b) of this Section; ~~,~~ and

(2) homeless children and youths ~~youth~~ as defined in

Section 11434a of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

Notice of waiver availability shall be given to parents or guardians with every bill for fees or fines. The board shall develop written policies and procedures implementing this Section in accordance with regulations promulgated by the State Board of Education.

(b) If the board participates in a federally funded, school-based child nutrition program and uses a student's application for, eligibility for, or participation in the federally funded, school-based child nutrition program (42 U.S.C. 1758; 7 ~~C.F.R.~~ 245 et seq.) as the basis for waiving fees assessed by the district, then the board must follow the verification requirements of the federally funded, school-based child nutrition program (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245.6a).

If the board establishes a process for the determination of eligibility for waiver of all fees assessed by the district that is completely independent of the criteria listed in subsection (b), the board may provide for waiver verification no more often than once every academic year. Information obtained during the independent waiver verification process indicating that the student does not meet free lunch or breakfast eligibility guidelines may be used to deny the waiver of the student's fees or fines for the loss of school property, provided that any information obtained through this

independent process for determining or verifying eligibility for fee waivers shall not be used to determine or verify eligibility for any federally funded, school-based child nutrition program.

This subsection shall not preclude children from obtaining waivers at any point during the academic year.

(Source: P.A. 102-805, eff. 1-1-23; 102-1032, eff. 5-27-22; revised 12-13-22.)

Section 295. The School Safety Drill Act is amended by changing Sections 5 and 45 as follows:

(105 ILCS 128/5)

Sec. 5. Definitions. In this Act:

"First responder" means and includes all fire departments and districts, law enforcement agencies and officials, emergency medical responders, emergency medical dispatchers, and emergency management officials involved in the execution and documentation of the drills administered under this Act.

"School" means a public or private facility that offers elementary or secondary education to students under the age of 21, a charter school authorized by the State Board of Education, or a special education cooperative. As used in this definition, "public facility" means a facility operated by the State or by a unit of local government. As used in this definition, "private facility" means any non-profit,

non-home-based, non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code. While more than one school may be housed in a facility, for purposes of this Act, the facility shall be considered a school. When a school has more than one location, for purposes of this Act, each different location shall be considered its own school.

"School safety drill" means a pre-planned exercise conducted by a school in accordance with the drills and requirements set forth in this Act.

(Source: P.A. 102-894, eff. 5-20-22; 102-1006, eff. 1-1-23; revised 12-13-22.)

(105 ILCS 128/45)

Sec. 45. Threat assessment procedure.

(a) Each school district must implement a threat assessment procedure that may be part of a school board policy on targeted school violence prevention. The procedure must include the creation of a threat assessment team. The team must include all of the following members:

(1) An administrator employed by the school district or a special education cooperative that serves the school district and is available to serve.

(2) A teacher employed by the school district or a special education cooperative that serves the school

district and is available to serve.

(3) A school counselor employed by the school district or a special education cooperative that serves the school district and is available to serve.

(4) A school psychologist employed by the school district or a special education cooperative that serves the school district and is available to serve.

(5) A school social worker employed by the school district or a special education cooperative that serves the school district and is available to serve.

(6) At least one law enforcement official.

If a school district is unable to establish a threat assessment team with school district staff and resources, it may utilize a regional behavioral threat assessment and intervention team that includes mental health professionals and representatives from the State, county, and local law enforcement agencies.

(b) A school district shall establish the threat assessment team under this Section no later than 180 days after August 23, 2019 (the effective date of Public Act 101-455) ~~this amendatory Act of the 101st General Assembly~~ and must implement an initial threat assessment procedure no later than 120 days after August 23, 2019 (the effective date of Public Act 101-455) ~~this amendatory Act of the 101st General Assembly~~. Each year prior to the start of the school year, the school board shall file the threat assessment procedure and a

list identifying the members of the school district's threat assessment team or regional behavior threat assessment and intervention team with (i) a local law enforcement agency and (ii) the regional office of education or, with respect to a school district organized under Article 34 of the School Code, the State Board of Education.

(c) Any sharing of student information under this Section must comply with the federal Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act.

(d) A charter school must follow the threat assessment procedures implemented by its authorizing school district or must implement its own threat assessment procedure that complies with this Section.

(Source: P.A. 101-455, eff. 8-23-19; 102-791, eff. 5-13-22; 102-894, eff. 5-20-22; revised 8-25-22.)

Section 300. The School Construction Law is amended by changing Section 5-15 as follows:

(105 ILCS 230/5-15)

Sec. 5-15. Grant award amounts and required local match.

(a) After June 30, 2022, any time there is an appropriation of funds by the General Assembly from the School Infrastructure Fund or School Construction Fund and a release of the appropriated funds to the Capital Development Board for

expenditure on grant awards pursuant to the provisions of this Article, the State Board of Education is authorized to open an application cycle to receive grant applications from school districts for school construction projects. No grant application filed before the start of the first application cycle after June 30, 2022 may be considered. After the close of each application cycle, the State Board of Education shall determine the approval of applications, the required local match percentage for each approved application, and the priority order for school construction project grants to be made by the Capital Development Board and shall then notify all applicants regarding their eligibility for a grant. Such notification shall include an estimate of the required local match. The State Board of Education shall publish a list of applicants eligible for grants and forward it to the Capital Development Board.~~:~~

(b) The Capital Development Board, to the extent that appropriated funds have been released and proceeding through the list of eligible applicants in the order of priority determined by the State Board of Education, shall issue conditional grant awards to eligible school districts. An applicant that does not receive a conditional grant award notification must submit a new application during another application cycle in order to receive future consideration for a grant award.

(c) The conditional grant award certifies to a school

district the recognized project costs for its school construction project determined by the Capital Development Board, the applicable required local match percentage and grant award percentage, the required local match and grant award amount calculated by multiplying the required local match percentage and the grant award percentage by the recognized project cost, and the required local match and grant award amount as those amounts may be adjusted as required in subsection (d).

(d) The required local match and grant award amount are calculated by multiplying the required local match percentage and the grant award percentage by the recognized project cost, provided that, only during the first application cycle after June 30, 2022, these amounts may be adjusted if the applicant had previously expended funds on a school construction project on the 2004, 2005, or 2006 School Construction Grant List. In that case, the required local match shall be reduced (but not below zero) and the grant award amount shall be increased (to an amount no greater than the recognized project cost) by an amount determined by the Capital Development Board to be equal to the amount of the grant the applicant would have received pursuant to Section 5-35 had it been awarded a grant in 2004, 2005, or 2006 based on the 2004, 2005, or 2006 School Construction Grant List and the year in which the school district applied for the grant.

(e) A school district shall have 2 years from the date the

school district was issued a conditional grant award from the Capital Development Board to obtain the school district's required local match and receive a final grant award from the Capital Development Board. If the required local match is not obtained within the 2-year time frame, the school district shall be required to reapply in another application cycle, after the 2-year time frame, to be considered for a grant award. The State share of the grant amount in a conditional grant award that is not claimed by a school district within the 2-year time frame shall be reallocated to future application cycles after the 2-year time frame expires.

(Source: P.A. 102-723, eff. 5-6-22; revised 9-2-22.)

Section 305. The Private Business and Vocational Schools Act of 2012 is amended by changing Sections 37, 70, and 75 as follows:

(105 ILCS 426/37)

Sec. 37. Disclosures. All schools shall make, at a minimum, the disclosures required under this Section clearly and conspicuously on their Internet websites. The disclosure shall consist of a statement containing the following information for the most recent 12-month reporting period of July 1 through June 30:

(1) The number of students who were admitted in the course of instruction as of July 1 of that reporting

period.

(2) Additions during the year due to:

(A) new starts;

(B) re-enrollments; and

(C) transfers into the course of instruction from other courses of instruction at the school.

(3) The total number of students admitted during the reporting period (the number of students reported under paragraph (1) of this Section plus the additions reported under subparagraphs (A), (B), and (C) of paragraph (2) of this Section).

(4) Of the total course of instruction enrollment, the number of students who:

(A) transferred out of the course of instruction to another course of instruction;

(B) completed or graduated from a course of instruction;

(C) withdrew from the school;

(D) are still enrolled.

(5) The number of students listed in paragraph (4) of this Section who:

(A) were placed in their field of study;

(B) were placed in a related field;

(C) placed out of the field;

(D) were not available for placement due to personal reasons;

(E) were not employed.

(6) The number of students who took a State licensing examination or professional certification examination, if any, during the reporting period, as well as the number who passed.

(7) The number of graduates who obtained employment in the field who did not use the school's placement assistance during the reporting period; such information may be compiled by reasonable efforts of the school to contact graduates by written correspondence.

(8) The average starting salary for all school graduates employed during the reporting period; such information may be compiled by reasonable efforts of the school to contact graduates by written correspondence.

(9) The following clear and conspicuous caption, set forth with the address and telephone number of the Board's office:

"COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE BOARD OF HIGHER EDUCATION.".

(10) If the United States Department of Education places the school on either the Heightened Cash Monitoring 2 payment method or the reimbursement payment method, as authorized under 34 CFR 668.162, a clear and conspicuous disclosure that the United States Department of Education has heightened monitoring of the school's finances and the reason for such monitoring. Such disclosure shall be made

within 14 days of the action of the United States Department of Education both on the school's website and to all students and prospective students on a form prescribed by the Board.

An alphabetical list of names, addresses, and dates of admission by course or course of instruction and a sample copy of the enrollment agreement employed to enroll the students listed shall be filed with the Board's Executive Director on an annual basis. The list shall be signed and verified by the school's chief managing employee.

(Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

(105 ILCS 426/70)

Sec. 70. Closing of a school.

(a) In the event a school proposes to discontinue its operations, the chief administrative officer of the school shall cause to be filed with the Board the original or legible true copies of all such academic records of the institution as may be specified by the Board.

(b) These records shall include, at a minimum, the academic records of each former student that is traditionally provided on an academic transcript, such as, but not limited to, courses taken, terms, grades, and other such information.

(c) In the event it appears to the Board that any such records of an institution discontinuing its operations is in danger of being lost, hidden, destroyed, or otherwise made

unavailable to the Board, the Board may seize and take possession of the records, on its own motion and without order of court.

(d) The Board shall maintain or cause to be maintained a permanent file of such records coming into its possession.

(e) As an alternative to the deposit of such records with the Board, the institution may propose to the Board a plan for permanent retention of the records. The plan must be put into effect only with the approval of the Board.

(f) When a postsecondary educational institution now or hereafter operating in this State proposes to discontinue its operation, such institution shall cause to be created a teach-out plan acceptable to the Board, which shall fulfill the school's educational obligations to its students. Should the school fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach-out.

(f-5) The school shall release any institutional holds placed on any student ~~students~~ record, regardless of the type of hold placed on the student record.

(g) The school and its designated surety bonding company are responsible for the return to students of all prepaid, unearned tuition. As identified in Section 55 of this Act, the surety bond must be a written agreement that provides for monetary compensation in the event that the school fails to fulfill its obligations. The surety bonding company shall guarantee the return to the school's students and their

parents, guardians, or sponsors of all prepaid, unearned tuition in the event of school closure. Should the school or its surety bonding company fail to deliver or act to fulfill the obligation, the Board is in no way responsible for the repayment or any related damages or claims.

(Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

(105 ILCS 426/75)

Sec. 75. Application and renewal fees. The Board may not approve any application for a permit of approval or program of study that has been plagiarized in part or whole and may return any such application for a permit of approval or program of study. Additionally, the Board may not approve any application for a permit of approval or program of study that has not been completed in its entirety. Fees for application and renewal may be set by the Board by rule. Fees shall be collected for all of the following:

(1) An original school application for a permit of approval.

(2) An initial school application for a permit of approval upon occurrence of a change of ownership.

(3) An annual school application for renewal of a certificate of approval.

(4) A school application for a change of location.

(5) A school application for a classroom extension.

(6) If an applicant school ~~that~~ has not remedied all

deficiencies cited by the Board within 12 months after the date of its original application for a permit of approval, an additional original application fee for the continued cost of investigation of its application.

(7) Transcript processing.

(Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

Section 310. The Dual Credit Quality Act is amended by changing Section 20 as follows:

(110 ILCS 27/20)

Sec. 20. Standards. All institutions offering dual credit courses shall meet the following standards:

(1) High school instructors teaching credit-bearing college-level courses for dual credit must meet any of the academic credential requirements set forth in this paragraph or paragraph (2) or (3) of this Section and need not meet higher certification requirements or those set out in Article 21B of the School Code:

(A) Approved instructors of dual credit courses shall meet any of the faculty credential standards allowed by the Higher Learning Commission to determine minimally qualified faculty. At the request of an instructor, an instructor who meets these credential standards shall be provided by the State Board of Education with a Dual Credit Endorsement, to be placed

on the professional educator license, as established by the State Board of Education and as authorized under Article 21B of the School Code and promulgated through administrative rule in cooperation with the Illinois Community College Board and the Board of Higher Education.

(B) An instructor who does not meet the faculty credential standards allowed by the Higher Learning Commission to determine minimally qualified faculty may teach dual credit courses if the instructor has a professional development plan, approved by the institution and shared with the State Board of Education no later than January 1, 2025, to raise his or her credentials to be in line with the credentials under subparagraph (A) of this paragraph (1). The institution shall have 30 days to review the plan and approve an instructor professional development plan that is in line with the credentials set forth in paragraph (2) of this Section. The institution shall not unreasonably withhold approval of a professional development plan. These approvals shall be good for as long as satisfactory progress toward the completion of the credential is demonstrated, but in no event shall a professional development plan be in effect for more than 3 years from the date of its approval or after January 1, 2028, whichever is sooner. A high school

instructor whose professional development plan is not approved by the institution may appeal to the Illinois Community College Board or the Board of Higher Education, as appropriate.

(C) The Illinois Community College Board and Board of Higher Education shall report yearly on their ~~its~~ Internet websites ~~website~~ the following:

(i) the number of teachers presently enrolled in an approved professional development plan under this Section;

(ii) the number of instructors who successfully completed an approved professional development plan;

(iii) the number of instructors who did not successfully complete an approved professional development plan after 3 years;

(iv) a breakdown of the information in subdivisions (i), (ii), and (iii) of this subparagraph (C) by subject area; and

(v) a summary, by community college district, of professional development plans that are in progress, that were successfully completed, or that have expired.

(2) For a high school instructor entering into a professional development plan prior to January 1, 2023, the high school instructor shall qualify for a

professional development plan if the instructor:

(A) has a master's degree in any discipline and has earned 9 graduate hours in a discipline in which he or she is currently teaching or expects to teach; or

(B) has a bachelor's degree with a minimum of 18 graduate hours in a discipline that he or she is currently teaching or expects to teach and is enrolled in a discipline-specific master's degree program; and

(C) agrees to demonstrate his or her progress toward completion to the supervising institution, as outlined in the professional development plan.

(2.5) For a high school instructor entering into a professional development plan on or after January 1, 2023, the high school instructor shall qualify for a professional development plan if the instructor:

(A) has a master's degree in any discipline, has earned 9 graduate hours in a discipline in which he or she currently teaches or expects to teach, and agrees to demonstrate his or her progress toward completion to the supervising institution, as outlined in the professional development plan; or

(B) is a fully licensed instructor in career and technical education who is halfway toward meeting the institution's requirements for faculty in the discipline to be taught and agrees to demonstrate his or her progress toward completion to the supervising

institution, as outlined in the professional development plan.

(3) An instructor in career and technical education courses must possess the credentials and demonstrated teaching competencies appropriate to the field of instruction.

(4) Course content must be equivalent to credit-bearing college-level courses offered at the community college.

(5) Learning outcomes must be the same as credit-bearing college-level courses and be appropriately measured.

(6) A high school instructor is expected to participate in any orientation developed by the institution for dual credit instructors in course curriculum, assessment methods, and administrative requirements.

(7) Dual credit instructors must be given the opportunity to participate in all activities available to other adjunct faculty, including professional development, seminars, site visits, and internal communication, provided that such opportunities do not interfere with an instructor's regular teaching duties.

(8) Every dual credit course must be reviewed annually by faculty through the appropriate department to ensure consistency with campus courses.

(9) Dual credit students must be assessed using methods consistent with students in traditional credit-bearing college courses.

(10) Within 15 days after entering into or renewing a partnership agreement, the institution shall notify its faculty of the agreement, including access to copies of the agreement if requested.

(Source: P.A. 102-558, eff. 8-20-21; 102-1077, eff. 1-1-23; revised 12-9-22.)

Section 315. The Board of Higher Education Act is amended by changing Section 9.16 as follows:

(110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

Sec. 9.16. Underrepresentation of certain groups in higher education. To require public institutions of higher education to develop and implement an equity plan and practices that include methods and strategies to increase the access, retention, completion, and student loan repayment rates of minorities, rural students, adult students, women, and individuals with disabilities who are traditionally underrepresented in education programs and activities. To encourage private institutions of higher education to develop and implement an equity plan and practices. For the purpose of this Section, minorities shall mean persons ~~residents~~ who are any of the following:

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

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

(3) Black or African American (a person having origins in any of the black racial groups of Africa).

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

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

The Board shall adopt any rules necessary to administer this Section. The Board, in collaboration with the Illinois Community College Board, shall also do the following:

(a) require all public institutions of higher education to develop and submit an equity plan and implement practices that, at a minimum, close gaps in enrollment, retention, completion, and student loan repayment rates for underrepresented groups and encourage all private institutions of higher education to develop

and submit such equity plans and implement such practices;

(b) conduct periodic review of public institutions of higher education and private institutions of higher education to determine compliance with this Section; and if the Board finds that a public institution of higher education is not in compliance with this Section, it shall notify the institution of steps to take to attain compliance;

(c) provide advice and counsel pursuant to this Section;

(d) conduct studies of the effectiveness and outcomes of the methods and strategies outlined in an institution's equity plan, as well as others designed to increase participation and success of students in education programs and activities in which minorities, rural students, adult students, women, and individuals with disabilities are traditionally underrepresented, and monitor and report the outcomes for students as a result of the implementation of equity plans;

(e) require components of an institution's equity plan to include strategies to increase minority student recruitment, retention, and student loan repayment rates in colleges and universities. In implementing this paragraph, the Board shall undertake, but need not be limited to, the following: the establishment of guidelines and plans for public institutions of higher education and

private institutions of higher education for minority student recruitment, retention, and student loan repayment rates, including requirements to establish campus climate and culture surveys, the review and monitoring of minority student services, programs, and supports implemented at public institutions of higher education and private institutions of higher education to determine their compliance with any guidelines and plans so established, the determination of the effectiveness and funding requirements of minority student services, programs, and supports at public institutions of higher education and private institutions of higher education, the dissemination of successful programs as models, and the encouragement of cooperative partnerships between community colleges, local school attendance centers, and 4-year colleges and universities to support enrollment of minority students;

(f) mandate all public institutions of higher education and encourage all private institutions of higher education to submit data and information essential to determine compliance with this Section. The Board shall prescribe the format and the date for submission of this data and any other education equity data; and

(g) report to the General Assembly and the Governor annually with a description of the plans submitted by each public institution of higher education and each private

institution of higher education for implementation of this Section, including financial data relating to the most recent fiscal year, the effectiveness of such plans and programs and the effectiveness of the methods and strategies developed by the Board in meeting the purposes of this Section, the degree of compliance with this Section by each public institution of higher education and each private institution of higher education as determined by the Board pursuant to its periodic review responsibilities, and the findings made by the Board in conducting its studies and monitoring student outcomes and institutional success as required by paragraph (d) of this Section. With respect to each public institution of higher education and each private institution of higher education, such report also shall include, but need not be limited to, information with respect to each institution's minority program budget allocations; minority student admission, retention and graduation and student loan repayment rate statistics; admission, retention, graduation, and student loan repayment rate statistics of all students who are the first in their immediate family to attend an institution of higher education; number of financial assistance awards, not including student loans, to undergraduate and graduate minority students; and minority faculty representation. This paragraph shall not be construed to prohibit the Board from making, preparing,

or issuing additional surveys or studies with respect to minority education in Illinois.

(Source: P.A. 102-465, eff. 1-1-22; 102-1030, eff. 5-27-22; 102-1046, eff. 6-7-22; revised 7-26-22.)

Section 320. The Higher Education Cooperation Act is amended by changing Section 4 as follows:

(110 ILCS 220/4) (from Ch. 144, par. 284)

Sec. 4. A program of financial assistance to programs of interinstitutional cooperation~~,~~ in higher education is established to implement the policy of encouraging such cooperation in order to achieve an efficient use of educational resources, an equitable distribution of educational services, the development of innovative concepts and applications, and other public purposes.

The Board of Higher Education shall administer this program of financial assistance and shall distribute the funds appropriated by the General Assembly for this purpose in the form of grants to not-for-profit corporations organized to administer programs of interinstitutional cooperation in higher education or to public or nonpublic institutions of higher education participating in such programs.

In awarding grants to interinstitutional programs under this Act, the Board shall consider in relation to each such program whether it serves the public purposes expressed in

this Act, whether the local community is substantially involved, whether its function could be performed better by a single existing institution, whether the program is consistent with the Illinois strategic plan for higher education, and such other criteria as it determines to be appropriate.

No grant may be awarded under this Section for any program of sectarian instruction or for any program designed to serve a sectarian purpose.

As a part of its administration of this Act, the Board may require audits or reports in relation to the administrative, fiscal and academic aspects of any interinstitutional program for which a grant is awarded under this Act. The Board shall annually submit to the Governor and the General Assembly a budgetary recommendation for grants under this Act.
(Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

Section 325. The University of Illinois Act is amended by setting forth, renumbering, and changing multiple versions of Section 160 as follows:

(110 ILCS 305/160)

Sec. 160. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and

identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the University in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs.

(Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 305/170)

Sec. 170 ~~160~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of the University during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 175 of this Act, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as

a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from the University; or

(D) was required by the University to be excluded from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 175 of this Act no later than 5 weeks

after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 175 of this Act, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-19-22.)

Section 330. The Southern Illinois University Management Act is amended by setting forth, renumbering, and changing multiple versions of Section 135 as follows:

(110 ILCS 520/135)

Sec. 135. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on

the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the University in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs.
(Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 520/145)

Sec. 145 ~~135~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of the University during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 150 of this Act, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from the University; or

(D) was required by the University to be excluded from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 150 of this Act no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to

an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 150 of this Act, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-22-22.)

Section 335. The Chicago State University Law is amended by setting forth, renumbering, and changing multiple versions of Section 5-245 as follows:

(110 ILCS 660/5-245)

Sec. 5-245. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed

understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the University in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to

provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs. (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 660/5-255)

Sec. 5-255 ~~5-245~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of the University during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 5-260 of this Law ~~Act~~, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be

excluded from the University; or

(D) was required by the University to be excluded from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 5-260 of this Law ~~Act~~ no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the

Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 5-260 of this Law ~~Act~~, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-23-22.)

Section 340. The Eastern Illinois University Law is amended by setting forth, renumbering, and changing multiple versions of Section 10-245 as follows:

(110 ILCS 665/10-245)

Sec. 10-245. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the University in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit

programs and applying for assistance under benefit programs. (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 665/10-260)

Sec. 10-260 ~~10-245~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of the University during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 10-265 of this Law ~~Act~~, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from the University; or

(D) was required by the University to be excluded

from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 10-265 of this Law ~~Act~~ no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the

Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 10-265 of this Law ~~Act~~, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-23-22.)

Section 345. The Governors State University Law is amended by setting forth, renumbering, and changing multiple versions of Section 15-245 as follows:

(110 ILCS 670/15-245)

Sec. 15-245. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other

public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the University in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs.

(Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 670/15-255)

Sec. 15-255 ~~15-245~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of the University during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 15-260 of this Law ~~Act~~, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from the University; or

(D) was required by the University to be excluded from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the

employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 15-260 of this Law ~~Act~~ no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against

COVID-19, as defined in Section 15-260 of this Law ~~Act~~, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-24-22.)

Section 350. The Illinois State University Law is amended by setting forth, renumbering, and changing multiple versions of Section 20-250 as follows:

(110 ILCS 675/20-250)

Sec. 20-250. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of

facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the University in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs.

(Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 675/20-265)

Sec. 20-265 ~~20-250~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of the University during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 20-270 of this Law ~~Act~~, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from the University; or

(D) was required by the University to be excluded from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 20-270 of this Law ~~Act~~ no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 20-270 of this Law ~~Act~~, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-24-22.)

Section 355. The Northeastern Illinois University Law is amended by setting forth, renumbering, and changing multiple versions of Section 25-245 as follows:

(110 ILCS 680/25-245)

Sec. 25-245. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for

benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the University in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs.

(Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 680/25-260)

Sec. 25-260 ~~25-245~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the

University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of the University during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 25-265 of this Law ~~Act~~, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from the University; or

(D) was required by the University to be excluded from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as

a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 25-265 of this Law ~~Act~~ no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 25-265 of this Law ~~Act~~, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

Section 360. The Northern Illinois University Law is amended by setting forth, renumbering, and changing multiple versions of Section 30-255 as follows:

(110 ILCS 685/30-255)

Sec. 30-255. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section

shall:

(1) assist students at the University in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs.

(Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 685/30-270)

Sec. 30-270 ~~30-255~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General~~

~~Assembly~~.

Any sick leave used by an employee of the University during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 30-275 of this Law ~~Act~~, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from the University; or

(D) was required by the University to be excluded from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an

antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 30-275 of this Law ~~Act~~ no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 30-275 of this Law ~~Act~~, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

Section 365. The Western Illinois University Law is amended by setting forth, renumbering, and changing multiple

versions of Section 35-250 as follows:

(110 ILCS 690/35-250)

Sec. 35-250. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by the University for the purpose of helping students at the University determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) The University shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide consortium with other public institutions of higher education, facilitated by the Board of Higher Education, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the University in determining

eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the University.

(d) The University, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the University to provide feedback and recommendations on how the University can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs.

(Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 690/35-265)

Sec. 35-265 ~~35-250~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by the University on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of the University

during the 2021-2022 academic year shall be returned to an employee of the University who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 35-270 of this Law ~~Act~~, if:

(1) the sick leave was taken because the employee was restricted from being on University property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from the University; or

(D) was required by the University to be excluded from University property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a

confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 35-270 of this Law ~~Act~~ no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The University may not rescind any sick leave returned to an employee of the University on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 35-270 of this Law ~~Act~~, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

Section 370. The Public Community College Act is amended by setting forth, renumbering, and changing multiple versions of Section 3-29.20 as follows:

(110 ILCS 805/3-29.20)

Sec. 3-29.20. Benefits navigator.

(a) In this Section:

"Benefits navigator" means an individual who is designated by a community college for the purpose of helping students at the community college determine eligibility for benefit programs and identify campuswide and community resource support.

"Benefit program" means any federal, State, or local program that provides assistance or benefits to individuals on the basis of need.

(b) A community college shall:

(1) designate a benefits navigator who has a detailed understanding of eligibility requirements for benefit programs and campuswide and community resource support;

(2) provide training for the benefits navigator; and

(3) participate in a statewide community college consortium, facilitated by the State Board, for the purpose of facilitating communication between benefits navigators at different institutions and developing best practices for benefits navigators.

(c) The benefits navigator designated under this Section shall:

(1) assist students at the community college in determining eligibility for benefit programs and identifying campuswide and community resource support;

(2) use the consortium under paragraph (3) of subsection (b) of this Section to coordinate with benefits navigators at other public institutions of higher education for the purpose of collecting data and developing best practices for helping students apply for and receive assistance from benefit programs; and

(3) coordinate and provide culturally specific resources, including resources for non-English speakers, to support students at the community college.

(d) The community college, in consultation with the benefits navigator designated under this Section, shall develop an internal process to enable students at the community college to provide feedback and recommendations on how the community college can better assist students in determining eligibility for benefit programs and applying for assistance under benefit programs.

(Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

(110 ILCS 805/3-29.23)

Sec. 3-29.23 ~~3-29.20~~. COVID-19 sick leave. For purposes of this Section, "employee" means a person employed by a community college or community college district on or after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

Any sick leave used by an employee of a community college or community college district during the 2021-2022 academic

year shall be returned to an employee of the community college or community college district who receives all doses required to be fully vaccinated against COVID-19, as defined in Section 3-29.25 of this Act, if:

(1) the sick leave was taken because the employee was restricted from being on community college district property because the employee:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from community college district property; or

(D) was required by the community college or community college district policy to be excluded from community college district property due to COVID-19 symptoms; or

(2) the sick leave was taken to care for a child of the employee who was unable to attend elementary or secondary school because the child:

(A) had a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(B) had a probable COVID-19 diagnosis via an

antigen diagnostic test;

(C) was in close contact with a person who had a confirmed case of COVID-19 and was required to be excluded from school; or

(D) was required by the school or school district policy to be excluded from school district property due to COVID-19 symptoms.

Leave shall be returned to an employee pursuant to this Section provided that the employee has received all required doses to meet the definition of "fully vaccinated against COVID-19" under Section 3-29.25 of this Act no later than 5 weeks after April 5, 2022 (the effective date of Public Act 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

The community college district may not rescind any sick leave returned to an employee of the community college or community college district on the basis of a revision to the definition of "fully vaccinated against COVID-19" by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Department of Public Health, provided that the employee received all doses required to be fully vaccinated against COVID-19, as defined in Section 3-29.25 of this Act, at the time the sick leave was returned to the employee.

(Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

Section 375. The Equity and Representation in Health Care

Act is amended by changing Section 10 as follows:

(110 ILCS 932/10)

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

"Accredited school" means a college or university in which a degree in allopathic medicine, osteopathic medicine, dentistry, physical therapy, or an equivalent credential for a health program is earned and for which the Council for Higher Education Accreditation or its affiliates has determined that the school meets specific standards for its programs, faculty, and curriculum.

"Advanced practice registered nurse" or "APRN" means an advanced practice registered nurse as defined under Section 50-10 of the Nurse Practice Act.

"Allopathic medicine" means the use of pharmacological agents or physical interventions to treat or suppress symptoms or processes of diseases or conditions.

"Applicant" means a health care professional or medical facility who applies for loan repayment assistance or scholarship funds under this Act.

"Approved graduate training" means training in medicine, dentistry, or any other health profession that leads to eligibility for board certification, provides evidence of completion, and is approved by the appropriate health care professional's body.

"Behavioral health provider" means a provider of a

commonly recognized discipline in the behavioral health industry, including, but not limited to, licensed clinical social workers, behavioral health therapists, certified marriage and family counselors, licensed social workers, and addiction counselors.

"Breach of service obligation" means failure for any reason to begin or complete a contractual service commitment.

"Commercial loan" means a loan made by a bank, credit union, savings and loan association, insurance company, school, or other financial institution.

"Community health center" means a migrant health center, community health center, health care program for the homeless or for residents of public housing supported under Section 330 of the federal Public Health Service Act, or FQHC, including an FQHC Look-Alike, as designated by the U.S. Department of Health and Human Services, that operates at least one federally designated primary health care delivery site in Illinois.

"Default" means failure to meet a legal obligation or condition of a loan.

"Department" means the Department of Public Health.

"Dental assistant" means a person who serves as a member of a dental care team, working directly with a dentist to perform duties that include, but are not limited to, assisting with dental procedures, preparing patients for procedures, preparing examinations, and sterilizing equipment.

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act.

"Director" means the Director of Public Health.

"Equity and Representation in Health Care Workforce Repayment Program" or "Repayment Program" means the Equity and Representation in Health Care Workforce Repayment Program created under subsection (a) of Section 15.

"Equity and Representation in Health Care Workforce Scholarship Program" or "Scholarship Program" means the Equity and Representation in Health Care Workforce Scholarship Program created under subsection (b) of Section 15.

"Federally Qualified Health Center" or "FQHC" means a health center funded under Section 330 of the federal Public Health Service Act.

"Federally Qualified Health Center Look-Alike" or "FQHC Look-Alike" means a health center that meets the requirements for receiving a grant under Section 330 of the federal Public Health Service Act but does not receive funding under that authority.

"Government loan" means a loan made by a federal, State, county, or city agency authorized to make the loan.

"Health care professional" means a physician, physician assistant, advanced practice registered nurse, nurse, chiropractic physician, podiatric physician ~~podiatrist~~, physical therapist, physical therapist assistant, occupational therapist, speech therapist, behavioral health provider,

psychiatrist, psychologist, pharmacist, dentist, medical assistant, dental assistant, or dental hygienist.

"Health professional shortage area" or "HPSA" means a designation from the U.S. Department of Health and Human Services that indicates the shortage of primary medical care or dental or mental health providers. The designation may be geographic, such as a county or service area; demographic, such as low-income population; or institutional, such as a comprehensive health center, FQHC, or other public facility.

"Lender" means the commercial or government entity that makes a qualifying loan.

"Loan repayment award" or "award" means the amount of funding awarded to a recipient based upon his or her reasonable educational expenses, up to a maximum established by the program.

"Loan repayment agreement" or "agreement" means the written instrument defining a legal relationship entered into between the Department and a recipient.

"Medical assistant" means a person who serves as a member of a medical care team working directly with other providers to perform duties that include, but are not limited to, gathering patient information, taking vital signs, preparing patients for examinations, and assisting physicians during examinations.

"Medical facility" means a facility in which the delivery of health services is provided. A medical facility must be a

nonprofit or public facility located in Illinois and includes the following:

(1) A Federally Qualified Health Center.

(2) An FQHC Look-Alike.

(3) A hospital system operated by a county with more than 3,000,000 residents.

"Medically underserved area" or "MUA" means an area designated by the U.S. Department of Health and Human Services' Health Resources and Services Administration as having too few primary care providers, high infant mortality, high poverty, or a high elderly population.

"Nurse" means a person who is licensed as a licensed practical nurse or as a registered nurse under the Nurse Practice Act.

"Osteopathic medicine" means medical practice based upon the theory that diseases are due to loss of structural integrity, which can be restored by manipulation of the parts and supplemented by therapeutic measures.

"Physical therapist" means an individual licensed as a physical therapist under the Illinois Physical Therapy Act.

"Physical therapist assistant" means an individual licensed as a physical therapist assistant under the Illinois Physical Therapy Act.

"Physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

"Physician assistant" means an individual licensed under

the Physician Assistant Practice Act of 1987.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services, including laboratory, radiology, transportation, and pharmacy services.

"Psychiatrist" means a physician licensed to practice medicine in Illinois under the Medical Practice Act of 1987 who has successfully completed an accredited residency program in psychiatry.

"Qualifying loan" means a government loan or commercial loan used for tuition and reasonable educational and living expenses related to undergraduate or graduate education that was obtained by the recipient prior to his or her application for loan repayment and that is contemporaneous with the education received.

"Reasonable educational expenses" means costs for education, exclusive of tuition. These costs include, but are not limited to, fees, books, supplies, clinical travel, educational equipment, materials, board certification, or licensing examinations. "Reasonable educational expenses" do not exceed the estimated standard budget for expenses for the degree program and for the years of enrollment.

"Reasonable living expenses" means room and board, transportation, and commuting costs associated with the applicant's attendance and participation in an educational and workforce training program. "Reasonable living expenses" do

not exceed the estimated standard budget for the recipient's degree program and for the years of enrollment.

"Recognized training entity" means an entity approved by the Department to provide training and education for medical assistants and dental assistants.

"Recipient" means a health care professional or medical facility that may use loan repayment funds.

"Rural" has the same meaning that is used by the federal Health Resources and Services Administration to determine eligibility for Rural Health Grants.

"State" means the State of Illinois.

(Source: P.A. 102-942, eff. 1-1-23; revised 2-5-23.)

Section 380. The Higher Education Student Assistance Act is amended by changing Section 52 as follows:

(110 ILCS 947/52)

Sec. 52. Golden Apple Scholars of Illinois Program; Golden Apple Foundation for Excellence in Teaching.

(a) In this Section, "Foundation" means the Golden Apple Foundation for Excellence in Teaching, a registered 501(c)(3) not-for-profit corporation.

(a-2) In order to encourage academically talented Illinois students, especially minority students, to pursue teaching careers, especially in teacher shortage disciplines (which shall be defined to include early childhood education) or at

hard-to-staff schools (as defined by the Commission in consultation with the State Board of Education), to provide those students with the crucial mentoring, guidance, and in-service support that will significantly increase the likelihood that they will complete their full teaching commitments and elect to continue teaching in targeted disciplines and hard-to-staff schools, and to ensure that students in this State will continue to have access to a pool of highly-qualified teachers, each qualified student shall be awarded a Golden Apple Scholars of Illinois Program scholarship to any Illinois institution of higher learning. The Commission shall administer the Golden Apple Scholars of Illinois Program, which shall be managed by the Foundation pursuant to the terms of a grant agreement meeting the requirements of Section 4 of the Illinois Grant Funds Recovery Act.

(a-3) For purposes of this Section, a qualified student shall be a student who meets the following qualifications:

(1) is a resident of this State and a citizen or eligible noncitizen of the United States;

(2) is a high school graduate or a person who has received a State of Illinois High School Diploma;

(3) is enrolled or accepted, on at least a half-time basis, at an institution of higher learning;

(4) is pursuing a postsecondary course of study leading to initial certification or pursuing additional

course work needed to gain State Board of Education approval to teach, including alternative teacher licensure; and

(5) is a participant in programs managed by and is approved to receive a scholarship from the Foundation.

(a-5) (Blank).

(b) (Blank).

(b-5) Funds designated for the Golden Apple Scholars of Illinois Program shall be used by the Commission for the payment of scholarship assistance under this Section or for the award of grant funds, subject to the Illinois Grant Funds Recovery Act, to the Foundation. Subject to appropriation, awards of grant funds to the Foundation shall be made on an annual basis and following an application for grant funds by the Foundation.

(b-10) Each year, the Foundation shall include in its application to the Commission for grant funds an estimate of the amount of scholarship assistance to be provided to qualified students during the grant period. Any amount of appropriated funds exceeding the estimated amount of scholarship assistance may be awarded by the Commission to the Foundation for management expenses expected to be incurred by the Foundation in providing the mentoring, guidance, and in-service supports that will increase the likelihood that qualified students will complete their teaching commitments and elect to continue teaching in hard-to-staff schools. If

the estimate of the amount of scholarship assistance described in the Foundation's application is less than the actual amount required for the award of scholarship assistance to qualified students, the Foundation shall be responsible for using awarded grant funds to ensure all qualified students receive scholarship assistance under this Section.

(b-15) All grant funds not expended or legally obligated within the time specified in a grant agreement between the Foundation and the Commission shall be returned to the Commission within 45 days. Any funds legally obligated by the end of a grant agreement shall be liquidated within 45 days or otherwise returned to the Commission within 90 days after the end of the grant agreement that resulted in the award of grant funds.

(c) Each scholarship awarded under this Section shall be in an amount sufficient to pay the tuition and fees and room and board costs of the Illinois institution of higher learning at which the recipient is enrolled, up to an annual maximum of $5,000; except that, in the case of a recipient who does not reside on campus ~~on-campus~~ at the institution of higher learning at which he or she is enrolled, the amount of the scholarship shall be sufficient to pay tuition and fee expenses and a commuter allowance, up to an annual maximum of $5,000. All scholarship funds distributed in accordance with this Section shall be paid to the institution on behalf of recipients.

(d) The total amount of scholarship assistance awarded by the Commission under this Section to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution of higher learning at which the student is enrolled. In any academic year for which a qualified student under this Section accepts financial assistance through any other teacher scholarship program administered by the Commission, a qualified student shall not be eligible for scholarship assistance awarded under this Section.

(e) A recipient may receive up to 8 semesters or 12 quarters of scholarship assistance under this Section. Scholarship funds are applicable toward 2 semesters or 3 quarters of enrollment each academic year.

(f) All applications for scholarship assistance to be awarded under this Section shall be made to the Foundation in a form determined by the Foundation. Each year, the Foundation shall notify the Commission of the individuals awarded scholarship assistance under this Section. Each year, at least 30% of the Golden Apple Scholars of Illinois Program scholarships shall be awarded to students residing in counties having a population of less than 500,000.

(g) (Blank).

(h) The Commission shall administer the payment of scholarship assistance provided through the Golden Apple

Scholars of Illinois Program and shall make all necessary and proper rules not inconsistent with this Section for the effective implementation of this Section.

(i) Prior to receiving scholarship assistance for any academic year, each recipient of a scholarship awarded under this Section shall be required by the Foundation to sign an agreement under which the recipient pledges that, within the 2-year period following the termination of the academic program for which the recipient was awarded a scholarship, the recipient: (i) shall begin teaching for a period of not less than 5 years, (ii) shall fulfill this teaching obligation at a nonprofit Illinois public, private, or parochial preschool or an Illinois public elementary or secondary school that qualifies for teacher loan cancellation under Section 465(a)(2)(A) of the federal Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed eligible for fulfilling the teaching commitment as designated by the Foundation, and (iii) shall, upon request of the Foundation, provide the Foundation with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection. Upon request, the Foundation shall provide evidence of teacher fulfillment to the Commission.

(j) If a recipient of a scholarship awarded under this Section fails to fulfill the teaching obligation set forth in subsection (i) of this Section, the Commission shall require

the recipient to repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees. Payments received by the Commission under this subsection (j) shall be remitted to the State Comptroller for deposit into the General Revenue Fund, except that that portion of a recipient's repayment that equals the amount in expenses that the Commission has reasonably incurred in attempting collection from that recipient shall be remitted to the State Comptroller for deposit into the ISAC Accounts Receivable Fund, a special fund in the State treasury.

(k) A recipient of a scholarship awarded by the Foundation under this Section shall not be considered to have failed to fulfill the teaching obligations of the agreement entered into pursuant to subsection (i) if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning; (ii) is serving as a member of the armed services of the United States; (iii) is a person with a temporary total disability, as established by sworn affidavit of a qualified physician; (iv) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (i) and is able to provide evidence of that fact; (v) is taking additional courses, on at least a half-time basis, needed to obtain certification as a

teacher in Illinois; (vi) is fulfilling teaching requirements associated with other programs administered by the Commission and cannot concurrently fulfill them under this Section in a period of time equal to the length of the teaching obligation; or (vii) is participating in a program established under Executive Order 10924 of the President of the United States or the federal National Community Service Act of 1990 (42 U.S.C. 12501 et seq.). Any such extension of the period during which the teaching requirement must be fulfilled shall be subject to limitations of duration as established by the Commission.

(l) A recipient who fails to fulfill the teaching obligations of the agreement entered into pursuant to subsection (i) of this Section shall repay the amount of scholarship assistance awarded to them under this Section within 10 years.

(m) Annually, at a time determined by the Commission in consultation with the Foundation, the Foundation shall submit a report to assist the Commission in monitoring the Foundation's performance of grant activities. The report shall describe the following:

(1) the Foundation's anticipated expenditures for the next fiscal year;

(2) the number of qualified students receiving scholarship assistance at each institution of higher learning where a qualified student was enrolled under this Section during the previous fiscal year;

(3) the total monetary value of scholarship funds paid to each institution of higher learning at which a qualified student was enrolled during the previous fiscal year;

(4) the number of scholarship recipients who completed a baccalaureate degree during the previous fiscal year;

(5) the number of scholarship recipients who fulfilled their teaching obligation during the previous fiscal year;

(6) the number of scholarship recipients who failed to fulfill their teaching obligation during the previous fiscal year;

(7) the number of scholarship recipients granted an extension described in subsection (k) of this Section during the previous fiscal year;

(8) the number of scholarship recipients required to repay scholarship assistance in accordance with subsection (j) of this Section during the previous fiscal year;

(9) the number of scholarship recipients who successfully repaid scholarship assistance in full during the previous fiscal year;

(10) the number of scholarship recipients who defaulted on their obligation to repay scholarship assistance during the previous fiscal year;

(11) the amount of scholarship assistance subject to collection in accordance with subsection (j) of this Section at the end of the previous fiscal year;

(12) the amount of collected funds to be remitted to the Comptroller in accordance with subsection (j) of this Section at the end of the previous fiscal year; and

(13) other information that the Commission may reasonably request.

(n) Nothing in this Section shall affect the rights of the Commission to collect moneys owed to it by recipients of scholarship assistance through the Illinois Future Teacher Corps Program, repealed by Public Act 98-533.

(o) The Auditor General shall prepare an annual audit of the operations and finances of the Golden Apple Scholars of Illinois Program. This audit shall be provided to the Governor, General Assembly, and the Commission.

(p) The suspension of grant making authority found in Section 4.2 of the Illinois Grant Funds Recovery Act shall not apply to grants made pursuant to this Section.

(Source: P.A. 102-1071, eff. 6-10-22; 102-1100, eff. 1-1-23; revised 12-13-22.)

Section 385. The Nursing Education Scholarship Law is amended by changing Sections 5 and 6.5 as follows:

(110 ILCS 975/5) (from Ch. 144, par. 2755)

Sec. 5. Nursing education scholarships. Beginning with the fall term of the 2004-2005 academic year, the Department, in accordance with rules and regulations promulgated by it for

this program, shall provide scholarships to individuals selected from among those applicants who qualify for consideration by showing:

(1) that he or she has been a resident of this State for at least one year prior to application~~,~~ and is a citizen or a lawful permanent resident of the United States;

(2) that he or she is enrolled in or accepted for admission to an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or practical nursing program at an approved institution; and

(3) that he or she agrees to meet the nursing employment obligation.

If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall, in consultation with the Illinois Nursing Workforce Center Advisory Board, consider the following factors in granting priority in awarding scholarships:

(A) Financial need, as shown on a standardized financial needs assessment form used by an approved institution, of students who will pursue their education on a full-time or close to full-time basis and who already have a certificate in practical nursing, a diploma in nursing, or an associate degree in nursing and are

pursuing a higher degree.

(B) A student's status as a registered nurse who is pursuing a graduate degree in nursing to pursue employment in an approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs.

(C) A student's merit, as shown through his or her grade point average, class rank, and other academic and extracurricular activities. The Department may add to and further define these merit criteria by rule.

Unless otherwise indicated, scholarships shall be awarded to recipients at approved institutions for a period of up to 2 years if the recipient is enrolled in an associate degree in nursing program, up to 3 years if the recipient is enrolled in a hospital-based diploma in nursing program, up to 4 years if the recipient is enrolled in a baccalaureate degree in nursing program, up to 5 years if the recipient is enrolled in a graduate degree in nursing program, and up to one year if the recipient is enrolled in a certificate in practical nursing program. At least 40% of the scholarships awarded shall be for recipients who are pursuing baccalaureate degrees in nursing, 30% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a diploma in nursing, 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing, and 20% of the scholarships awarded shall be for

recipients who are pursuing a graduate degree in nursing.

During the 2021-2022 academic year, subject to appropriation from the Hospital Licensure Fund, in addition to any other funds available to the Department for such scholarships, the Department may award a total of $500,000 in scholarships under this Section.

(Source: P.A. 102-641, eff. 8-27-21; 102-699, eff. 4-19-22; 102-1030, eff. 5-27-22; revised 8-12-22.)

(110 ILCS 975/6.5)

Sec. 6.5. Nurse educator scholarships.

(a) Beginning with the fall term of the 2009-2010 academic year, the Department shall provide scholarships to individuals selected from among those applicants who qualify for consideration by showing the following:

(1) that he or she has been a resident of this State for at least one year prior to application and is a citizen or a lawful permanent resident of the United States;

(2) that he or she is enrolled in or accepted for admission to a graduate degree in nursing program at an approved institution; and

(3) that he or she agrees to meet the nurse educator employment obligation.

(b) If in any year the number of qualified applicants exceeds the number of scholarships to be awarded under this Section, the Department shall, in consultation with the

Illinois Nursing Workforce Center Advisory Board, consider the following factors in granting priority in awarding scholarships:

(1) Financial need, as shown on a standardized financial needs assessment form used by an approved institution, of students who will pursue their education on a full-time or close to full-time basis and who already have a diploma in nursing and are pursuing a higher degree.

(2) A student's status as a registered nurse who is pursuing a graduate degree in nursing to pursue employment in an approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs.

(3) A student's merit, as shown through his or her grade point average, class rank, experience as a nurse, including supervisory experience, experience as a nurse in the United States military, and other academic and extracurricular activities.

(c) Unless otherwise indicated, scholarships under this Section shall be awarded to recipients at approved institutions for a period of up to 3 years.

(d) Within 12 months after graduation from a graduate degree in nursing program for nurse educators, any recipient who accepted a scholarship under this Section shall begin meeting the required nurse educator employment obligation. In

order to defer his or her continuous employment obligation, a recipient must request the deferment in writing from the Department. A recipient shall receive a deferment if he or she notifies the Department, within 30 days after enlisting, that he or she is spending up to 4 years in military service. A recipient shall receive a deferment if he or she notifies the Department, within 30 days after enrolling, that he or she is enrolled in an academic program leading to a graduate degree in nursing. The recipient must begin meeting the required nurse educator employment obligation no later than 6 months after the end of the deferment or deferments.

Any person who fails to fulfill the nurse educator employment obligation shall pay to the Department an amount equal to the amount of scholarship funds received per year for each unfulfilled year of the nurse educator employment obligation, together with interest at 7% per year on the unpaid balance. Payment must begin within 6 months following the date of the occurrence initiating the repayment. All repayments must be completed within 6 years from the date of the occurrence initiating the repayment. However, this repayment obligation may be deferred and re-evaluated every 6 months when the failure to fulfill the nurse educator employment obligation results from involuntarily leaving the profession due to a decrease in the number of nurses employed in this State or when the failure to fulfill the nurse educator employment obligation results from total and permanent

disability. The repayment obligation shall be excused if the failure to fulfill the nurse educator employment obligation results from the death or adjudication as incompetent of the person holding the scholarship. No claim for repayment may be filed against the estate of such a decedent or incompetent.

The Department may allow a nurse educator employment obligation fulfillment alternative if the nurse educator scholarship recipient is unsuccessful in finding work as a nurse educator. The Department shall maintain a database of all available nurse educator positions in this State.

(e) Each person applying for a scholarship under this Section must be provided with a copy of this Section at the time of application for the benefits of this scholarship.

(f) Rulemaking authority to implement this Act is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-699, eff. 4-19-22; 102-1030, eff. 5-27-22; revised 8-12-22.)

Section 390. The Illinois Banking Act is amended by changing Section 48 as follows:

(205 ILCS 5/48)

Sec. 48. Secretary's powers; duties. The Secretary shall have the powers and authority, and is charged with the duties and responsibilities designated in this Act, and a State bank shall not be subject to any other visitorial power other than as authorized by this Act, except those vested in the courts, or upon prior consultation with the Secretary, a foreign bank regulator with an appropriate supervisory interest in the parent or affiliate of a State ~~state~~ bank. In the performance of the Secretary's duties:

(1) The Commissioner shall call for statements from all State banks as provided in Section 47 at least one time during each calendar quarter.

(2) (a) The Commissioner, as often as the Commissioner shall deem necessary or proper, and no less frequently than 18 months following the preceding examination, shall appoint a suitable person or persons to make an examination of the affairs of every State bank, except that for every eligible State bank, as defined by regulation, the Commissioner in lieu of the examination may accept on an alternating basis the examination made by the eligible State bank's appropriate federal banking agency pursuant to Section 111 of the Federal Deposit Insurance Corporation Improvement Act of 1991, provided the appropriate federal banking agency has made such an examination. A person so appointed shall not be a stockholder or officer or employee of any bank which that

person may be directed to examine, and shall have powers to make a thorough examination into all the affairs of the bank and in so doing to examine any of the officers or agents or employees thereof on oath and shall make a full and detailed report of the condition of the bank to the Commissioner. In making the examination the examiners shall include an examination of the affairs of all the affiliates of the bank, as defined in subsection (b) of Section 35.2 of this Act, or subsidiaries of the bank as shall be necessary to disclose fully the conditions of the subsidiaries or affiliates, the relations between the bank and the subsidiaries or affiliates and the effect of those relations upon the affairs of the bank, and in connection therewith shall have power to examine any of the officers, directors, agents, or employees of the subsidiaries or affiliates on oath. After May 31, 1997, the Commissioner may enter into cooperative agreements with state regulatory authorities of other states to provide for examination of State bank branches in those states, and the Commissioner may accept reports of examinations of State bank branches from those state regulatory authorities. These cooperative agreements may set forth the manner in which the other state regulatory authorities may be compensated for examinations prepared for and submitted to the Commissioner.

(b) After May 31, 1997, the Commissioner is authorized

to examine, as often as the Commissioner shall deem necessary or proper, branches of out-of-state banks. The Commissioner may establish and may assess fees to be paid to the Commissioner for examinations under this subsection (b). The fees shall be borne by the out-of-state bank, unless the fees are borne by the state regulatory authority that chartered the out-of-state bank, as determined by a cooperative agreement between the Commissioner and the state regulatory authority that chartered the out-of-state bank.

(2.1) Pursuant to paragraph (a) of subsection (6) of this Section, the Secretary shall adopt rules that ensure consistency and due process in the examination process. The Secretary may also establish guidelines that (i) define the scope of the examination process and (ii) clarify examination items to be resolved. The rules, formal guidance, interpretive letters, or opinions furnished to State banks by the Secretary may be relied upon by the State banks.

(2.5) Whenever any State bank, any subsidiary or affiliate of a State bank, or after May 31, 1997, any branch of an out-of-state bank causes to be performed, by contract or otherwise, any bank services for itself, whether on or off its premises:

(a) that performance shall be subject to examination by the Commissioner to the same extent as

if services were being performed by the bank or, after May 31, 1997, branch of the out-of-state bank itself on its own premises; and

(b) the bank or, after May 31, 1997, branch of the out-of-state bank shall notify the Commissioner of the existence of a service relationship. The notification shall be submitted with the first statement of condition (as required by Section 47 of this Act) due after the making of the service contract or the performance of the service, whichever occurs first. The Commissioner shall be notified of each subsequent contract in the same manner.

For purposes of this subsection (2.5), the term "bank services" means services such as sorting and posting of checks and deposits, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a State bank, including, but not limited to, electronic data processing related to those bank services.

(3) The expense of administering this Act, including the expense of the examinations of State banks as provided in this Act, shall to the extent of the amounts resulting from the fees provided for in paragraphs (a), (a-2), and (b) of this subsection (3) be assessed against and borne

by the State banks:

(a) Each bank shall pay to the Secretary a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of $800, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Secretary in accordance with Section 47 for the preceding quarter according to the following schedule: 16¢ per $1,000 of the first $5,000,000 of total assets, 15¢ per $1,000 of the next $20,000,000 of total assets, 13¢ per $1,000 of the next $75,000,000 of total assets, 9¢ per $1,000 of the next $400,000,000 of total assets, 7¢ per $1,000 of the next $500,000,000 of total assets, and 5¢ per $1,000 of all assets in excess of $1,000,000,000, of the State bank. The Call Report Fee shall be calculated by the Secretary and billed to the banks for remittance at the time of the quarterly statements of condition provided for in Section 47. The Secretary may require payment of the fees provided in this Section by an electronic transfer of funds or an automatic debit of an account of each of the State banks. In case more than one examination of any bank is deemed by the Secretary to be necessary in any examination frequency cycle specified in subsection 2(a) of this Section, and is performed at his

direction, the Secretary may assess a reasonable additional fee to recover the cost of the additional examination. In lieu of the method and amounts set forth in this paragraph (a) for the calculation of the Call Report Fee, the Secretary may specify by rule that the Call Report Fees provided by this Section may be assessed semiannually or some other period and may provide in the rule the formula to be used for calculating and assessing the periodic Call Report Fees to be paid by State banks.

(a-1) If in the opinion of the Commissioner an emergency exists or appears likely, the Commissioner may assign an examiner or examiners to monitor the affairs of a State bank with whatever frequency he deems appropriate, including, but not limited to, a daily basis. The reasonable and necessary expenses of the Commissioner during the period of the monitoring shall be borne by the subject bank. The Commissioner shall furnish the State bank a statement of time and expenses if requested to do so within 30 days of the conclusion of the monitoring period.

(a-2) On and after January 1, 1990, the reasonable and necessary expenses of the Commissioner during examination of the performance of electronic data processing services under subsection (2.5) shall be borne by the banks for which the services are

provided. An amount, based upon a fee structure prescribed by the Commissioner, shall be paid by the banks or, after May 31, 1997, branches of out-of-state banks receiving the electronic data processing services along with the Call Report Fee assessed under paragraph (a) of this subsection (3).

(a-3) After May 31, 1997, the reasonable and necessary expenses of the Commissioner during examination of the performance of electronic data processing services under subsection (2.5) at or on behalf of branches of out-of-state banks shall be borne by the out-of-state banks, unless those expenses are borne by the state regulatory authorities that chartered the out-of-state banks, as determined by cooperative agreements between the Commissioner and the state regulatory authorities that chartered the out-of-state banks.

(b) "Fiscal year" for purposes of this Section 48 is defined as a period beginning July 1 of any year and ending June 30 of the next year. The Commissioner shall receive for each fiscal year, commencing with the fiscal year ending June 30, 1987, a contingent fee equal to the lesser of the aggregate of the fees paid by all State banks under paragraph (a) of subsection (3) for that year, or the amount, if any, whereby the aggregate of the administration expenses, as defined

in paragraph (c), for that fiscal year exceeds the sum of the aggregate of the fees payable by all State banks for that year under paragraph (a) of subsection (3), plus any amounts transferred into the Bank and Trust Company Fund from the State Pensions Fund for that year, plus all other amounts collected by the Commissioner for that year under any other provision of this Act, plus the aggregate of all fees collected for that year by the Commissioner under the Corporate Fiduciary Act, excluding the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act, and the Foreign Banking Office Act. The aggregate amount of the contingent fee thus arrived at for any fiscal year shall be apportioned among ~~amongst~~, assessed upon, and paid by the State banks and foreign banking corporations, respectively, in the same proportion that the fee of each under paragraph (a) of subsection (3), respectively, for that year bears to the aggregate for that year of the fees collected under paragraph (a) of subsection (3). The aggregate amount of the contingent fee, and the portion thereof to be assessed upon each State bank and foreign banking corporation, respectively, shall be determined by the Commissioner and shall be paid by each, respectively, within 120 days of the close of the period for which the contingent fee is computed

and is payable, and the Commissioner shall give 20 days' advance notice of the amount of the contingent fee payable by the State bank and of the date fixed by the Commissioner for payment of the fee.

(c) The "administration expenses" for any fiscal year shall mean the ordinary and contingent expenses for that year incident to making the examinations provided for by, and for otherwise administering, this Act, the Corporate Fiduciary Act, excluding the expenses paid from the Corporate Fiduciary Receivership account in the Bank and Trust Company Fund, the Foreign Banking Office Act, the Electronic Fund Transfer Act, and the Illinois Bank Examiners' Education Foundation Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State, including the Commissioner and the Deputy Commissioners, communication equipment and services, office furnishings, surety bond premiums, and travel expenses of those officers and employees, employees, expenditures or charges for the acquisition, enlargement or improvement of, or for the use of, any office space, building, or structure, or expenditures for the maintenance thereof or for furnishing heat, light, or power with respect thereto, all to the extent that those expenditures are directly incidental

to such examinations or administration. The Commissioner shall not be required by paragraph ~~paragraphs~~ (c) or (d-1) of this subsection (3) to maintain in any fiscal year's budget appropriated reserves for accrued vacation and accrued sick leave that is required to be paid to employees of the Commissioner upon termination of their service with the Commissioner in an amount that is more than is reasonably anticipated to be necessary for any anticipated turnover in employees, whether due to normal attrition or due to layoffs, terminations, or resignations.

(d) The aggregate of all fees collected by the Secretary under this Act, the Corporate Fiduciary Act, or the Foreign Banking Office Act on and after July 1, 1979, shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in a special fund to be known as the "Bank and Trust Company Fund", except as provided in paragraph (c) of subsection (11) of this Section. All earnings received from investments of funds in the Bank and Trust Company Fund shall be deposited into ~~in~~ the Bank and Trust Company Fund and may be used for the same purposes as fees deposited into ~~in~~ that Fund. The amount from time to time deposited into the Bank and

Trust Company Fund shall be used: (i) to offset the ordinary administrative expenses of the Secretary as defined in this Section or (ii) as a credit against fees under paragraph (d-1) of this subsection (3). Nothing in Public Act 81-131 shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance premiums of State officers by appropriations from the General Revenue Fund. However, the General Revenue Fund shall be reimbursed for those payments made on and after July 1, 1979, by an annual transfer of funds from the Bank and Trust Company Fund. Moneys in the Bank and Trust Company Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Notwithstanding provisions in the State Finance Act, as now or hereafter amended, or any other law to the contrary, the Governor may, during any fiscal year through January 10, 2011, from time to time direct the State Treasurer and Comptroller to transfer a specified sum not exceeding 10% of the revenues to be deposited into the Bank and Trust Company Fund during that fiscal year from that Fund to the General Revenue Fund in order to help defray the State's operating

costs for the fiscal year. Notwithstanding provisions in the State Finance Act, as now or hereafter amended, or any other law to the contrary, the total sum transferred during any fiscal year through January 10, 2011, from the Bank and Trust Company Fund to the General Revenue Fund pursuant to this provision shall not exceed during any fiscal year 10% of the revenues to be deposited into the Bank and Trust Company Fund during that fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(d-1) Adequate funds shall be available in the Bank and Trust Company Fund to permit the timely payment of administration expenses. In each fiscal year the total administration expenses shall be deducted from the total fees collected by the Commissioner and the remainder transferred into the Cash Flow Reserve Account, unless the balance of the Cash Flow Reserve Account prior to the transfer equals or exceeds one-fourth of the total initial appropriations from the Bank and Trust Company Fund for the subsequent year, in which case the remainder shall be credited to State banks and foreign banking corporations and applied against their fees for the subsequent year. The amount credited to each State

bank and foreign banking corporation shall be in the same proportion as the Call Report Fees paid by each for the year bear to the total Call Report Fees collected for the year. If, after a transfer to the Cash Flow Reserve Account is made or if no remainder is available for transfer, the balance of the Cash Flow Reserve Account is less than one-fourth of the total initial appropriations for the subsequent year and the amount transferred is less than 5% of the total Call Report Fees for the year, additional amounts needed to make the transfer equal to 5% of the total Call Report Fees for the year shall be apportioned among ~~amongst~~, assessed upon, and paid by the State banks and foreign banking corporations in the same proportion that the Call Report Fees of each, respectively, for the year bear to the total Call Report Fees collected for the year. The additional amounts assessed shall be transferred into the Cash Flow Reserve Account. For purposes of this paragraph (d-1), the calculation of the fees collected by the Commissioner shall exclude the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act.

(e) The Commissioner may upon request certify to any public record in his keeping and shall have authority to levy a reasonable charge for issuing certifications of any public record in his keeping.

(f) In addition to fees authorized elsewhere in this Act, the Commissioner may, in connection with a review, approval, or provision of a service, levy a reasonable charge to recover the cost of the review, approval, or service.

(4) Nothing contained in this Act shall be construed to limit the obligation relative to examinations and reports of any State bank, deposits in which are to any extent insured by the United States or any agency thereof, nor to limit in any way the powers of the Commissioner with reference to examinations and reports of that bank.

(5) The nature and condition of the assets in or investment of any bonus, pension, or profit sharing plan for officers or employees of every State bank or, after May 31, 1997, branch of an out-of-state bank shall be deemed to be included in the affairs of that State bank or branch of an out-of-state bank subject to examination by the Commissioner under the provisions of subsection (2) of this Section, and if the Commissioner shall find from an examination that the condition of or operation of the investments or assets of the plan is unlawful, fraudulent, or unsafe, or that any trustee has abused his trust, the Commissioner shall, if the situation so found by the Commissioner shall not be corrected to his satisfaction within 60 days after the Commissioner has given notice to the board of directors of the State bank or out-of-state

bank of his findings, report the facts to the Attorney General who shall thereupon institute proceedings against the State bank or out-of-state bank, the board of directors thereof, or the trustees under such plan as the nature of the case may require.

(6) The Commissioner shall have the power:

(a) To promulgate reasonable rules for the purpose of administering the provisions of this Act.

(a-5) To impose conditions on any approval issued by the Commissioner if he determines that the conditions are necessary or appropriate. These conditions shall be imposed in writing and shall continue in effect for the period prescribed by the Commissioner.

(b) To issue orders against any person, if the Commissioner has reasonable cause to believe that an unsafe or unsound banking practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Commissioner, or for the purpose of administering the provisions of this Act and any rule promulgated in accordance with this Act.

(b-1) To enter into agreements with a bank establishing a program to correct the condition of the bank or its practices.

(c) To appoint hearing officers to execute any of the powers granted to the Commissioner under this Section for the purpose of administering this Act and any rule promulgated in accordance with this Act and otherwise to authorize, in writing, an officer or employee of the Office of Banks and Real Estate to exercise his powers under this Act.

(d) To subpoena witnesses, to compel their attendance, to administer an oath, to examine any person under oath, and to require the production of any relevant books, papers, accounts, and documents in the course of and pursuant to any investigation being conducted, or any action being taken, by the Commissioner in respect of any matter relating to the duties imposed upon, or the powers vested in, the Commissioner under the provisions of this Act or any rule promulgated in accordance with this Act.

(e) To conduct hearings.

(7) Whenever, in the opinion of the Secretary, any director, officer, employee, or agent of a State bank or any subsidiary or bank holding company of the bank or, after May 31, 1997, of any branch of an out-of-state bank or any subsidiary or bank holding company of the bank shall have violated any law, rule, or order relating to that bank or any subsidiary or bank holding company of the bank, shall have obstructed or impeded any examination or

investigation by the Secretary, shall have engaged in an unsafe or unsound practice in conducting the business of that bank or any subsidiary or bank holding company of the bank, or shall have violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent does not assure reasonable promise of safe and sound operation of the State bank, the Secretary may issue an order of removal. If, in the opinion of the Secretary, any former director, officer, employee, or agent of a State bank or any subsidiary or bank holding company of the bank, prior to the termination of his or her service with that bank or any subsidiary or bank holding company of the bank, violated any law, rule, or order relating to that State bank or any subsidiary or bank holding company of the bank, obstructed or impeded any examination or investigation by the Secretary, engaged in an unsafe or unsound practice in conducting the business of that bank or any subsidiary or bank holding company of the bank, or violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent would not have assured reasonable promise of safe and sound operation of

the State bank, the Secretary may issue an order prohibiting that person from further service with a bank or any subsidiary or bank holding company of the bank as a director, officer, employee, or agent. An order issued pursuant to this subsection shall be served upon the director, officer, employee, or agent. A copy of the order shall be sent to each director of the bank affected by registered mail. A copy of the order shall also be served upon the bank of which he is a director, officer, employee, or agent, whereupon he shall cease to be a director, officer, employee, or agent of that bank. The Secretary may institute a civil action against the director, officer, or agent of the State bank or, after May 31, 1997, of the branch of the out-of-state bank against whom any order provided for by this subsection (7) of this Section 48 has been issued, and against the State bank or, after May 31, 1997, out-of-state bank, to enforce compliance with or to enjoin any violation of the terms of the order. Any person who has been the subject of an order of removal or an order of prohibition issued by the Secretary under this subsection or Section 5-6 of the Corporate Fiduciary Act may not thereafter serve as director, officer, employee, or agent of any State bank or of any branch of any out-of-state bank, or of any corporate fiduciary, as defined in Section 1-5.05 of the Corporate Fiduciary Act, or of any other entity that is

subject to licensure or regulation by the Division of Banking unless the Secretary has granted prior approval in writing.

For purposes of this paragraph (7), "bank holding company" has the meaning prescribed in Section 2 of the Illinois Bank Holding Company Act of 1957.

(7.5) Notwithstanding the provisions of this Section, the Secretary shall not:

(1) issue an order against a State bank or any subsidiary organized under this Act for unsafe or unsound banking practices solely because the entity provides or has provided financial services to a cannabis-related legitimate business;

(2) prohibit, penalize, or otherwise discourage a State bank or any subsidiary from providing financial services to a cannabis-related legitimate business solely because the entity provides or has provided financial services to a cannabis-related legitimate business;

(3) recommend, incentivize, or encourage a State bank or any subsidiary not to offer financial services to an account holder or to downgrade or cancel the financial services offered to an account holder solely because:

(A) the account holder is a manufacturer or producer, or is the owner, operator, or employee

of a cannabis-related legitimate business;

(B) the account holder later becomes an owner or operator of a cannabis-related legitimate business; or

(C) the State bank or any subsidiary was not aware that the account holder is the owner or operator of a cannabis-related legitimate business; and

(4) take any adverse or corrective supervisory action on a loan made to an owner or operator of:

(A) a cannabis-related legitimate business solely because the owner or operator owns or operates a cannabis-related legitimate business; or

(B) real estate or equipment that is leased to a cannabis-related legitimate business solely because the owner or operator of the real estate or equipment leased the equipment or real estate to a cannabis-related legitimate business.

(8) The Commissioner may impose civil penalties of up to $100,000 against any person for each violation of any provision of this Act, any rule promulgated in accordance with this Act, any order of the Commissioner, or any other action which in the Commissioner's discretion is an unsafe or unsound banking practice.

(9) The Commissioner may impose civil penalties of up

to $100 against any person for the first failure to comply with reporting requirements set forth in the report of examination of the bank and up to $200 for the second and subsequent failures to comply with those reporting requirements.

(10) All final administrative decisions of the Commissioner hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law. For matters involving administrative review, venue shall be in either Sangamon County or Cook County.

(11) The endowment fund for the Illinois Bank Examiners' Education Foundation shall be administered as follows:

(a) (Blank).

(b) The Foundation is empowered to receive voluntary contributions, gifts, grants, bequests, and donations on behalf of the Illinois Bank Examiners' Education Foundation from national banks and other persons for the purpose of funding the endowment of the Illinois Bank Examiners' Education Foundation.

(c) The aggregate of all special educational fees collected by the Secretary and property received by the Secretary on behalf of the Illinois Bank Examiners' Education Foundation under this subsection (11) on or after June 30, 1986, shall be either (i) promptly paid after receipt of the same, accompanied

by a detailed statement thereof, into the State treasury ~~Treasury~~ and shall be set apart in a special fund to be known as the ~~"The~~ Illinois Bank Examiners' Education Fund~~"~~ to be invested by either the Treasurer of the State of Illinois in the Public Treasurers' Investment Pool or in any other investment he is authorized to make or by the Illinois State Board of Investment as the State Banking Board of Illinois may direct or (ii) deposited into an account maintained in a commercial bank or corporate fiduciary in the name of the Illinois Bank Examiners' Education Foundation pursuant to the order and direction of the Board of Trustees of the Illinois Bank Examiners' Education Foundation.

(12) (Blank).

(13) The Secretary may borrow funds from the General Revenue Fund on behalf of the Bank and Trust Company Fund if the Director of Banking certifies to the Governor that there is an economic emergency affecting banking that requires a borrowing to provide additional funds to the Bank and Trust Company Fund. The borrowed funds shall be paid back within 3 years and shall not exceed the total funding appropriated to the Agency in the previous year.

(14) In addition to the fees authorized in this Act, the Secretary may assess reasonable receivership fees against any State bank that does not maintain insurance

with the Federal Deposit Insurance Corporation. All fees collected under this subsection (14) shall be paid into the Non-insured Institutions Receivership account in the Bank and Trust Company Fund, as established by the Secretary. The fees assessed under this subsection (14) shall provide for the expenses that arise from the administration of the receivership of any such institution required to pay into the Non-insured Institutions Receivership account, whether pursuant to this Act, the Corporate Fiduciary Act, the Foreign Banking Office Act, or any other Act that requires payments into the Non-insured Institutions Receivership account. The Secretary may establish by rule a reasonable manner of assessing fees under this subsection (14).

(Source: P.A. 101-27, eff. 6-25-19; 101-275, eff. 8-9-19; 102-558, eff. 8-20-21; revised 2-28-22.)

Section 395. The Illinois Credit Union Act is amended by changing Sections 8, 19, 20, and 59 as follows:

(205 ILCS 305/8) (from Ch. 17, par. 4409)

Sec. 8. Secretary's powers and duties. Credit unions are regulated by the Department. The Secretary in executing the powers and discharging the duties vested by law in the Department has the following powers and duties:

(1) To exercise the rights, powers, and duties set

forth in this Act or any related Act. The Director shall oversee the functions of the Division and report to the Secretary, with respect to the Director's exercise of any of the rights, powers, and duties vested by law in the Secretary under this Act. All references in this Act to the Secretary shall be deemed to include the Director, as a person authorized by the Secretary or this Act to assume responsibility for the oversight of the functions of the Department relating to the regulatory supervision of credit unions under this Act.

(2) To prescribe rules and regulations for the administration of this Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and incorporated herein as though a part of this Act, and shall apply to all administrative rules and procedures of the Department under this Act.

(3) To direct and supervise all the administrative and technical activities of the Department including the employment of a Credit Union Supervisor who shall have knowledge in the theory and practice of, or experience in, the operations or supervision of financial institutions, preferably credit unions, and such other persons as are necessary to carry out his functions. The Secretary shall ensure that all examiners appointed or assigned to examine the affairs of State-chartered credit unions possess the necessary training and continuing education to effectively

execute their jobs.

(4) To issue cease and desist orders when in the opinion of the Secretary, a credit union is engaged or has engaged, or the Secretary has reasonable cause to believe the credit union is about to engage, in an unsafe or unsound practice, or is violating or has violated or the Secretary has reasonable cause to believe is about to violate a law, rule, or regulation or any condition imposed in writing by the Department.

(5) To suspend from office and to prohibit from further participation in any manner in the conduct of the affairs of any credit union any director, officer, or committee member who has committed any violation of a law, rule, or regulation or of a cease and desist order or who has engaged or participated in any unsafe or unsound practice in connection with the credit union or who has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director, officer, or committee member, when the Secretary has determined that such action or actions have resulted or will result in substantial financial loss or other damage that seriously prejudices the interests of the members.

(6) To assess a civil penalty against a credit union provided that:

(A) the Secretary reasonably determines, based on

objective facts and an accurate assessment of applicable legal standards, that the credit union has:

(i) committed a violation of this Act, any rule adopted in accordance with this Act, or any order of the Secretary issued pursuant to his or her authority under this Act; or

(ii) engaged or participated in any unsafe or unsound practice;

(B) before a civil penalty is assessed under this item (6), the Secretary must make the further reasonable determination, based on objective facts and an accurate assessment of applicable legal standards, that the credit union's action constituting a violation under subparagraph (i) of paragraph (A) of this item (6) or an unsafe and unsound practice under subparagraph (ii) of paragraph (A) of this item (6):

(i) directly resulted in a substantial and material financial loss or created a reasonable probability that a substantial and material financial loss will directly result; or

(ii) constituted willful misconduct or a material breach of fiduciary duty of any director, officer, or committee member of the credit union;

Material financial loss, as referenced in this paragraph (B), shall be assessed in light of surrounding circumstances and the relative size and

nature of the financial loss or probable financial loss. Certain benchmarks shall be used in determining whether financial loss is material, such as a percentage of total assets or total gross income for the immediately preceding 12-month period. Absent compelling and extraordinary circumstances, no civil penalty shall be assessed, unless the financial loss or probable financial loss is equal to or greater than either 1% of the credit union's total assets for the immediately preceding 12-month period, or 1% of the credit union's total gross income for the immediately preceding 12-month period, whichever is less;

(C) before a civil penalty is assessed under this item (6), the credit union must be expressly advised in writing of the:

(i) specific violation that could subject it to a penalty under this item (6); and

(ii) specific remedial action to be taken within a specific and reasonable time frame to avoid imposition of the penalty;

(D) civil ~~Civil~~ penalties assessed under this item (6) shall be remedial, not punitive, and reasonably tailored to ensure future compliance by the credit union with the provisions of this Act and any rules adopted pursuant to this Act;

(E) a credit union's failure to take timely

remedial action with respect to the specific violation may result in the issuance of an order assessing a civil penalty up to the following maximum amount, based upon the total assets of the credit union:

(i) Credit unions with assets of less than $10 million..... $1,000

(ii) Credit unions with assets of at least $10 million and less than $50 million $2,500

(iii) Credit unions with assets of at least $50 million and less than $100 million $5,000

(iv) Credit unions with assets of at least $100 million and less than $500 million .. $10,000

(v) Credit unions with assets of at least $500 million and less than $1 billion $25,000

(vi) Credit unions with assets of $1 billion and greater..... $50,000; and

(F) an order assessing a civil penalty under this item (6) shall take effect upon service of the order, unless the credit union makes a written request for a hearing under 38 Ill. ~~Il.~~ Adm. Code 190.20 of the Department's rules for credit unions within 90 days after issuance of the order; in that event, the order shall be stayed until a final administrative order is entered.

This item (6) shall not apply to violations separately addressed in rules as authorized under item (7) of this

Section.

(7) Except for the fees established in this Act, to prescribe, by rule and regulation, fees and penalties for preparing, approving, and filing reports and other documents; furnishing transcripts; holding hearings; investigating applications for permission to organize, merge, or convert; failure to maintain accurate books and records to enable the Department to conduct an examination; and taking supervisory actions.

(8) To destroy, in his discretion, any or all books and records of any credit union in his possession or under his control after the expiration of three years from the date of cancellation of the charter of such credit unions.

(9) To make investigations and to conduct research and studies and to publish some of the problems of persons in obtaining credit at reasonable rates of interest and of the methods and benefits of cooperative saving and lending for such persons.

(10) To authorize, foster, or establish experimental, developmental, demonstration, or pilot projects by public or private organizations including credit unions which:

(a) promote more effective operation of credit unions so as to provide members an opportunity to use and control their own money to improve their economic and social conditions; or

(b) are in the best interests of credit unions,

their members and the people of the State of Illinois.

(11) To cooperate in studies, training, or other administrative activities with, but not limited to, the NCUA, other state credit union regulatory agencies and industry trade associations in order to promote more effective and efficient supervision of Illinois chartered credit unions.

(12) Notwithstanding the provisions of this Section, the Secretary shall not:

(1) issue an order against a credit union organized under this Act for unsafe or unsound banking practices solely because the entity provides or has provided financial services to a cannabis-related legitimate business;

(2) prohibit, penalize, or otherwise discourage a credit union from providing financial services to a cannabis-related legitimate business solely because the entity provides or has provided financial services to a cannabis-related legitimate business;

(3) recommend, incentivize, or encourage a credit union not to offer financial services to an account holder or to downgrade or cancel the financial services offered to an account holder solely because:

(A) the account holder is a manufacturer or producer, or is the owner, operator, or employee of a cannabis-related legitimate business;

(B) the account holder later becomes an owner or operator of a cannabis-related legitimate business; or

(C) the credit union was not aware that the account holder is the owner or operator of a cannabis-related legitimate business; and

(4) take any adverse or corrective supervisory action on a loan made to an owner or operator of:

(A) a cannabis-related legitimate business solely because the owner or operator owns or operates a cannabis-related legitimate business; or

(B) real estate or equipment that is leased to a cannabis-related legitimate business solely because the owner or operator of the real estate or equipment leased the equipment or real estate to a cannabis-related legitimate business.

(Source: P.A. 101-27, eff. 6-25-19; 102-858, eff. 5-13-22; revised 8-19-22.)

(205 ILCS 305/19) (from Ch. 17, par. 4420)

Sec. 19. Meeting of members.

(1)(a) The annual meeting shall be held each year during the months of January, February or March or such other month as may be approved by the Department. The meeting shall be held at the time, place and in the manner set forth in the bylaws. Any

special meetings of the members of the credit union shall be held at the time, place and in the manner set forth in the bylaws. Unless otherwise set forth in this Act, quorum requirements for meetings of members shall be established by a credit union in its bylaws. Notice of all meetings must be given by the secretary of the credit union at least 7 days before the date of such meeting, either by handing a written or printed notice to each member of the credit union, by mailing the notice to the member at his address as listed on the books and records of the credit union, by posting a notice of the meeting in three conspicuous places, including the office of the credit union, by posting the notice of the meeting on the credit union's website, or by disclosing the notice of the meeting in membership newsletters or account statements.

(b) Unless expressly prohibited by the articles of incorporation or bylaws and subject to applicable requirements of this Act, the board of directors may provide by resolution that members may attend, participate in, act in, and vote at any annual meeting or special meeting through the use of a conference telephone or interactive technology, including, but not limited to, electronic transmission, internet usage, or remote communication, by means of which all persons participating in the meeting can communicate with each other. Participation through the use of a conference telephone or interactive technology shall constitute attendance, presence, and representation in person at the annual meeting or special

meeting of the person or persons so participating and count towards the quorum required to conduct business at the meeting. The following conditions shall apply to any virtual meeting of the members:

(i) the credit union must internally possess or retain the technological capacity to facilitate virtual meeting attendance, participation, communication, and voting; and

(ii) the members must receive notice of the use of a virtual meeting format and appropriate instructions for joining, participating, and voting during the virtual meeting at least 7 days before the virtual meeting.

(2) On all questions and at all elections, except election of directors, each member has one vote regardless of the number of his shares. There shall be no voting by proxy except on the election of directors, proposals for merger or voluntary dissolution. Members may vote on questions, including, without limitation, the approval of mergers and voluntary dissolutions under this Act, and in elections by electronic record if approved by the board of directors. All voting on the election of directors shall be by ballot, but when there is no contest, written or electronic ballots need not be cast. The record date to be used for the purpose of determining which members are entitled to notice of or to vote at any meeting of members, may be fixed in advance by the directors on a date not more than 90 days nor less than 10 days prior to the date of the meeting. If no record date is fixed by

the directors, the first day on which notice of the meeting is given, mailed or posted is the record date.

(3) Regardless of the number of shares owned by a society, association, club, partnership, other credit union or corporation, having membership in the credit union, it shall be entitled to only one vote and it may be represented and have its vote cast by its designated agent acting on its behalf pursuant to a resolution adopted by the organization's board of directors or similar governing authority; provided that the credit union shall obtain a certified copy of such resolution before such vote may be cast.

(4) A member may revoke a proxy by delivery to the credit union of a written statement to that effect, by execution of a subsequently dated proxy, by execution of an electronic record, or by attendance at a meeting and voting in person.

(5) The use of electronic records for member voting pursuant to this Section shall employ a security procedure that meets the attribution criteria set forth in Section 9 of the Uniform Electronic Transactions Act.

(6) As used in this Section, "electronic", "electronic record", and "security procedure" have the meanings ascribed to those terms in the Uniform Electronic Transactions Act. ~~the~~ (Source: P.A. 102-38, eff. 6-25-21; 102-496, eff. 8-20-21; 102-774, eff. 5-13-22; 102-813, eff. 5-13-22; revised 8-3-22.)

(205 ILCS 305/20) (from Ch. 17, par. 4421)

Sec. 20. Election or appointment of officials.

(1) The credit union shall be directed by a board of directors consisting of no less than 7 in number, to be elected at the annual meeting by and from the members. Directors shall hold office until the next annual meeting, unless their terms are staggered. Upon amendment of its bylaws, a credit union may divide the directors into 2 or 3 classes with each class as nearly equal in number as possible. The term of office of the directors of the first class shall expire at the first annual meeting after their election, that of the second class shall expire at the second annual meeting after their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after the classification, the number of directors equal to the number of directors whose terms expire at the time of the meeting shall be elected to hold office until the second succeeding annual meeting if there are 2 classes or until the third succeeding annual meeting if there are 3 classes. A director shall hold office for the term for which he or she is elected and until his or her successor is elected and qualified.

(1.5) Except as provided in subsection (1.10), in all elections for directors, every member has the right to vote, in person, by proxy, or by electronic record if approved by the board of directors, the number of shares owned by him, or in the case of a member other than a natural person, the member's

one vote, for as many persons as there are directors to be elected, or to cumulate such shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares equals, or to distribute them on the same principle among as many candidates as he may desire and the directors shall not be elected in any other manner. Shares held in a joint account owned by more than one member may be voted by any one of the members, however, the number of cumulative votes cast may not exceed a total equal to the number of shares multiplied by the number of directors to be elected. A majority of the shares entitled to vote shall be represented either in person or by proxy for the election of directors. Each director shall wholly take and subscribe to an oath that he will diligently and honestly perform his duties in administering the affairs of the credit union, that while he may delegate to another the performance of those administrative duties he is not thereby relieved from his responsibility for their performance, that he will not knowingly violate or permit to be violated any law applicable to the credit union, and that he is the owner of at least one share of the credit union.

(1.10) Upon amendment of a credit union's bylaws, in all elections for directors, every member who is a natural person shall have the right to cast one vote, regardless of the number of his or her shares, in person, by proxy, or by electronic record if approved by the board of directors, for as many

persons as there are directors to be elected.

(1.15) If the board of directors has adopted a policy addressing age eligibility standards on voting, holding office, or petitioning the board, then a credit union may require (i) that members be at least 18 years of age by the date of the meeting in order to vote at meetings of the members, sign nominating petitions, or sign petitions requesting special meetings, and (ii) that members be at least 18 years of age by the date of election or appointment in order to hold elective or appointive office.

(2) The board of directors shall appoint from among the members of the credit union, a supervisory committee of not less than 3 members at the organization meeting and within 30 days following each annual meeting of the members for such terms as the bylaws provide. Members of the supervisory committee may, but need not be, on the board of directors, but shall not be officers of the credit union, members of the credit committee, or the credit manager if no credit committee has been appointed.

(3) The board of directors may appoint, from among the members of the credit union, a credit committee consisting of an odd number, not less than 3 for such terms as the bylaws provide. Members of the credit committee may, but need not be, directors or officers of the credit union, but shall not be members of the supervisory committee.

(4) The board of directors may appoint from among the

members of the credit union a membership committee of one or more persons. If appointed, the committee shall act upon all applications for membership and submit a report of its actions to the board of directors at the next regular meeting for review. If no membership committee is appointed, credit union management shall act upon all applications for membership and submit a report of its actions to the board of directors at the next regular meeting for review.

(5) The board of directors may appoint, from among the members of the credit union, a nominating committee of 3 or more persons. Members of the nominating committee may, but need not, be directors or officers of the credit union, but may not be members of the supervisory committee. The appointment, if made, shall be made in a timely manner to permit the nominating committee to recruit, evaluate, and nominate eligible candidates for each position to be filled in the election of directors or, in the event of a vacancy in office, to be filled by appointment of the board of directors for the remainder of the unexpired term of the director creating the vacancy. Factors the nominating committee may consider in evaluating prospective candidates include whether a candidate possesses or is willing to acquire through training the requisite skills and qualifications to carry out the statutory duties of a director. The board of directors may delegate to the nominating committee the recruitment, evaluation, and nomination of eligible candidates to serve on committees and

in executive officer positions.

(6) The use of electronic records for member voting pursuant to this Section shall employ a security procedure that meets the attribution criteria set forth in Section 9 of the Uniform Electronic Transactions Act.

(7) As used in this Section, "electronic", "electronic record", and "security procedure" have the meanings ascribed to those terms in the Uniform Electronic Transactions Act. ~~the~~ (Source: P.A. 102-38, eff. 6-25-21; 102-687, eff. 12-17-21; 102-774, eff. 5-13-22; 102-858, eff. 5-13-22; revised 8-3-22.)

(205 ILCS 305/59) (from Ch. 17, par. 4460)

Sec. 59. Investment of funds.

(a) Funds not used in loans to members may be invested, pursuant to subsection (7) of Section 30 of this Act, and subject to Departmental rules and regulations:

(1) In securities, obligations or other instruments of or issued by or fully guaranteed as to principal and interest by the United States of America or any agency thereof or in any trust or trusts established for investing directly or collectively in the same;

(2) In obligations of any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories organized by Congress, or any political subdivision thereof; however, a credit union may not invest more than 10% of its unimpaired capital and

surplus in the obligations of one issuer, exclusive of general obligations of the issuer, and investments in municipal securities must be limited to securities rated in one of the 4 highest rating investment grades by a nationally recognized statistical rating organization;

(3) In certificates of deposit or passbook type accounts issued by a state or national bank, mutual savings bank or savings and loan association; provided that such institutions have their accounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; but provided, further, that a credit union's investment in an account in any one institution may exceed the insured limit on accounts;

(4) In shares, classes of shares or share certificates of other credit unions, including, but not limited to, corporate credit unions; provided that such credit unions have their members' accounts insured by the NCUA or other approved insurers, and that if the members' accounts are so insured, a credit union's investment may exceed the insured limit on accounts;

(5) In shares of a cooperative society organized under the laws of this State or the laws of the United States in the total amount not exceeding 10% of the unimpaired capital and surplus of the credit union; provided that such investment shall first be approved by the Department;

(6) In obligations of the State of Israel, or obligations fully guaranteed by the State of Israel as to payment of principal and interest;

(7) In shares, stocks or obligations of other financial institutions in the total amount not exceeding 5% of the unimpaired capital and surplus of the credit union;

(8) In federal funds and bankers' acceptances;

(9) In shares or stocks of Credit Union Service Organizations in the total amount not exceeding the greater of 6% of the unimpaired capital and surplus of the credit union or the amount authorized for federal credit unions;

(10) In corporate bonds identified as investment grade by at least one nationally recognized statistical rating organization, provided that:

(i) the board of directors has established a written policy that addresses corporate bond investment procedures and how the credit union will manage credit risk, interest rate risk, liquidity risk, and concentration risk; and

(ii) the credit union has documented in its records that a credit analysis of a particular investment and the issuing entity was conducted by the credit union, a third party on behalf of the credit union qualified by education or experience to assess

the risk characteristics of corporate bonds, or a nationally recognized statistical rating agency before purchasing the investment and the analysis is updated at least annually for as long as it holds the investment;

(11) To aid in the credit union's management of its assets, liabilities, and liquidity in the purchase of an investment interest in a pool of loans, in whole or in part and without regard to the membership of the borrowers, from other depository institutions and financial type institutions, including mortgage banks, finance companies, insurance companies, and other loan sellers, subject to such safety and soundness standards, limitations, and qualifications as the Department may establish by rule or guidance from time to time;

(12) To aid in the credit union's management of its assets, liabilities, and liquidity by receiving funds from another financial institution as evidenced by certificates of deposit, share certificates, or other classes of shares issued by the credit union to the financial institution;

(13) In the purchase and assumption of assets held by other financial institutions, with approval of the Secretary and subject to any safety and soundness standards, limitations, and qualifications as the Department may establish by rule or guidance from time to time;

(14) In the shares, stocks, or obligations of community development financial institutions as defined in regulations issued by the U.S. Department of the Treasury and minority depository institutions as defined by the National Credit Union Administration; however the aggregate amount of all such investments shall not at any time exceed 5% of the paid-in and unimpaired capital and surplus of the credit union; and

(15)(A) In shares, stocks, or member units of financial technology companies in the total amount not exceeding 2.5% of the net worth of the credit union, so long as:

(i) the credit union would remain well capitalized as defined by 12 CFR 702.102 if the credit union reduced its net worth by the full investment amount at the time the investment is made or at any point during the time the investment is held by the credit union;

(ii) the credit union and the financial technology company are operated in a manner that demonstrates to the public the separate corporate existence of the credit union and financial technology company; and

(iii) the credit union has received a composite rating of 1 or 2 under the CAMELS supervisory rating system.

(B) The investment limit in subparagraph (A) of this paragraph (15) is increased to 5% of the net worth of the

credit union~~,~~ if it has received a management rating of 1 under the CAMELS supervisory rating system at the time a specific investment is made and at all times during the term of the investment. A credit union that satisfies the criteria in subparagraph (A) of this paragraph (15) and this subparagraph may request approval from the Secretary for an exception to the 5% limit up to a limit of 10% of the net worth of the credit union, subject to such safety and soundness standards, limitations, and qualifications as the Department may establish by rule or guidance from time to time. The request shall be in writing and substantiate the need for the higher limit, describe the credit union's record of investment activity, and include financial statements reflecting a sound fiscal history.

(C) Before investing in a financial technology company, the credit union shall obtain a written legal opinion as to whether the financial technology company is established in a manner that will limit potential exposure of the credit union to no more than the loss of funds invested in the financial technology company and the legal opinion shall:

(i) address factors that have led courts to "pierce the corporate veil", such as inadequate capitalization, lack of separate corporate identity, common boards of directors and employees, control of one entity over another, and lack of separate books

and records; and

(ii) be provided by independent legal counsel of the credit union.

(D) Before investing in the financial technology company, the credit union shall enter into a written investment agreement with the financial technology company and the agreement shall contain the following clauses:

(i) the financial technology company will: (I) provide the Department with access to the books and records of the financial technology company relating to the investment made by the credit union, with the costs of examining those records borne by the credit union in accordance with the per diem rate established by the Department by rule; (II) follow generally accepted accounting principles; and (III) provide the credit union with its financial statements on at least a quarterly basis and certified public accountant audited financial statements on an annual basis; and

(ii) the financial technology company and credit union agree to terminate their contractual relationship: (I) upon 90 days' written notice to the parties by the Secretary that the safety and soundness of the credit union is threatened pursuant to the Department's cease and desist and suspension authority in Sections 8 and 61; (II) upon 30 days' written notice to the parties if the credit union's net worth ratio

falls below the level that classifies it as well capitalized ~~well-capitalized~~ as defined by 12 CFR 702.102; and (III) immediately upon the parties' receipt of written notice from the Secretary when the Secretary reasonably concludes, based upon specific facts set forth in the notice to the parties, that the credit union will suffer immediate, substantial, and irreparable injury or loss if it remains a party to the investment agreement.

(E) The termination of the investment agreement between the financial technology company and credit union shall in no way operate to relieve the financial technology company from repaying the investment or other obligation due and owing the credit union at the time of termination.

(F) Any financial technology company in which a credit union invests pursuant to this paragraph (15) that directly or indirectly originates, purchases, facilitates, brokers, or services loans to consumers in Illinois shall not charge an interest rate that exceeds the applicable maximum rate established by the Board of the National Credit Union Administration pursuant to 12 CFR 701.21(c)(7)(iii)-(iv). The maximum interest rate described in this subparagraph that may be charged by a financial technology company applies to all consumer loans and consumer credit products.

(b) As used in this Section:

"Political subdivision" includes, but is not limited to, counties, townships, cities, villages, incorporated towns, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, park districts, and any agency, corporation, or instrumentality of a state or its political subdivisions, whether now or hereafter created and whether herein specifically mentioned or not.

"Financial institution" includes any bank, savings bank, savings and loan association, or credit union established under the laws of the United States, this State, or any other state.

"Financial technology company" includes any corporation, partnership, limited liability company, or other entity organized under the laws of Illinois, another state, or the United States of America:

(1) that the principal business of which is the provision of financial products or financial services, or both, that:

(i) currently relate or may prospectively relate to the daily operations of credit unions;

(ii) are of current or prospective benefit to the members of credit unions; or

(iii) are of current or prospective benefit to

consumers eligible for membership in credit unions; and

(2) that applies technological interventions, including, without limitation, specialized software or algorithm processes, products, or solutions, to improve and automate the delivery and use of those financial products or financial services.

(c) A credit union investing to fund an employee benefit plan obligation is not subject to the investment limitations of this Act and this Section and may purchase an investment that would otherwise be impermissible if the investment is directly related to the credit union's obligation under the employee benefit plan and the credit union holds the investment only for so long as it has an actual or potential obligation under the employee benefit plan.

(d) If a credit union acquires loans from another financial institution or financial-type institution pursuant to this Section, the credit union shall be authorized to provide loan servicing and collection services in connection with those loans.

(Source: P.A. 101-567, eff. 8-23-19; 102-496, eff. 8-20-21; 102-774, eff. 5-13-22; 102-858, eff. 5-13-22; revised 8-3-22.)

Section 400. The Residential Mortgage License Act of 1987 is amended by changing Section 7-7 as follows:

(205 ILCS 635/7-7)

Sec. 7-7. Continuing education for mortgage loan originators.

(a) In order to meet the annual continuing education requirements referred to in Section 7-6, a licensed mortgage loan originator shall complete at least 8 hours of education approved in accordance with subsection (b) of this Section, which shall include at least:

(1) 3 hours of federal ~~Federal~~ law and regulations;

(2) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(3) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(b) For purposes of ~~this~~ subsection (a), continuing education courses shall be reviewed and approved by the Nationwide Multistate Licensing System and Registry based upon reasonable standards. Review and approval of a continuing education course shall include review and approval of the course provider.

(c) Nothing in this Section shall preclude any education course, as approved by the Nationwide Multistate Licensing System and Registry, that is provided by the employer of the mortgage loan originator or an entity which is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of the employer or entity.

(d) Continuing education may be offered either in a classroom, online, or by any other means approved by the Nationwide Multistate Licensing System and Registry.

(e) A licensed mortgage loan originator:

(1) except ~~Except~~ as provided in Section 7-6 and subsection (i) of this Section, may only receive credit for a continuing education course in the year in which the course is taken; and

(2) may ~~May~~ not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(f) A licensed mortgage loan originator who is an approved instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of 2 hours credit for every one hour taught.

(g) A person having successfully completed the education requirements approved by the Nationwide Multistate Licensing System and Registry for the subjects listed in subsection (a) of this Section for any state shall be accepted as credit towards completion of continuing education requirements in this State.

(h) A licensed mortgage loan originator who subsequently becomes unlicensed must complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license.

(i) A person meeting the requirements of Section 7-6 may make up any deficiency in continuing education as established by rule or regulation of the Director.

(Source: P.A. 100-1153, eff. 12-19-18; revised 3-16-22.)

Section 405. The Assisted Living and Shared Housing Act is amended by setting forth and renumbering multiple versions of Section 77 as follows:

(210 ILCS 9/77)

Sec. 77. Establishment employee assistance programs. An establishment shall ensure that licensed health care professionals employed by the establishment are aware of employee assistance programs or other like programs available for the physical and mental well-being of the employee. The establishment shall provide information on these programs, no less than at the time of employment and during any benefit open enrollment period, by an information form about the respective programs that a licensed health care professional must sign during onboarding at the establishment. The signed information form shall be added to the licensed health care professional's personnel file. The establishment may provide this information to licensed health care professionals electronically.

(Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

(210 ILCS 9/78)

Sec. 78 ~~77~~. Certified nursing assistant interns.

(a) A certified nursing assistant intern shall report to an establishment's charge nurse or nursing supervisor and may only be assigned duties authorized in Section 2310-434 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois by a supervising nurse.

(b) An establishment shall notify its certified and licensed staff members, in writing, that a certified nursing assistant intern may only provide the services and perform the procedures permitted under Section 2310-434 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. The notification shall detail which duties may be delegated to a certified nursing assistant intern. The establishment shall establish a policy describing the authorized duties, supervision, and evaluation of certified nursing assistant interns available upon request of the Department and any surveyor.

(c) If an establishment learns that a certified nursing assistant intern is performing work outside the scope of the Certified Nursing Assistant Intern Program's training, the establishment shall:

(1) stop the certified nursing assistant intern from performing the work;

(2) inspect the work and correct mistakes, if the work performed was done improperly;

(3) assign the work to the appropriate personnel; and

(4) ensure that a thorough assessment of any resident involved in the work performed is completed by a registered nurse.

(d) An establishment that employs a certified nursing assistant intern in violation of this Section shall be subject to civil penalties or fines under subsection (a) of Section 135.

(Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

Section 410. The Nursing Home Care Act is amended by changing Sections 3-202.2b and 3-702 and by setting forth and renumbering multiple versions of Section 3-613 as follows:

(210 ILCS 45/3-202.2b)

Sec. 3-202.2b. Certification of psychiatric rehabilitation program.

(a) No later than January 1, 2011, the Department shall file with the Joint Committee on Administrative Rules, pursuant to the Illinois Administrative Procedure Act, proposed rules or proposed amendments to existing rules to establish a special certification program for compliance with 77 Ill. Adm. ~~Admin.~~ Code 300.4000 and following (Subpart S), which provides for psychiatric rehabilitation services that are required to be offered by a long-term ~~long term~~ care facility licensed under this Act that serves residents with serious mental illness. Compliance with standards promulgated

pursuant to this Section must be demonstrated before a long-term ~~long term~~ care facility licensed under this Act is eligible to become certified under this Section and annually thereafter.

(b) No long-term ~~long term~~ care facility shall establish, operate, maintain, or offer psychiatric rehabilitation services, or admit, retain, or seek referrals of a resident with a serious mental illness diagnosis, unless and until a valid certification, which remains unsuspended, unrevoked, and unexpired, has been issued.

(c) A facility that currently serves a resident with serious mental illness may continue to admit such residents until the Department performs a certification review and determines that the facility does not meet the requirements for certification. The Department, at its discretion, may provide an additional 90-day period for the facility to meet the requirements for certification if it finds that the facility has made a good faith effort to comply with all certification requirements and will achieve total compliance with the requirements before the end of the 90-day period. The facility shall be prohibited from admitting residents with serious mental illness until the Department certifies the facility to be in compliance with the requirements of this Section.

(d) A facility currently serving residents with serious mental illness that elects to terminate provision of services

to this population must immediately notify the Department of its intent, cease to admit new residents with serious mental illness, and give notice to all existing residents with serious mental illness of their impending discharge. These residents shall be accorded all rights and assistance provided to a resident being involuntarily discharged and those provided under Section 2-201.5. The facility shall continue to adhere to all requirements of 77 Ill. Adm. ~~Admin.~~ Code 300.4000 until all residents with serious mental illness have been discharged.

(e) A long-term ~~long term~~ care facility found to be out of compliance with the certification requirements under this Section may be subject to denial, revocation, or suspension of the psychiatric rehabilitation services certification or the imposition of sanctions and penalties, including the immediate suspension of new admissions. Hearings shall be conducted pursuant to Article III, Part 7 of this Act.

(f) The Department shall indicate, on its list of licensed long-term ~~long term~~ care facilities, which facilities are certified under this Section and shall distribute this list to the appropriate State agencies charged with administering and implementing the State's program of pre-admission screening and resident review, hospital discharge planners, Area Agencies on Aging, Case Coordination Units, and others upon request.

(g) No public official, agent, or employee of the State,

or any subcontractor of the State, may refer or arrange for the placement of a person with serious mental illness in a long-term ~~long term~~ care facility that is not certified under this Section. No public official, agent, or employee of the State, or any subcontractor of the State, may place the name of a long-term ~~long term~~ care facility on a list of facilities serving the seriously mentally ill for distribution to the general public or to professionals arranging for placements or making referrals unless the facility is certified under this Section.

(h) Certification requirements. The Department shall establish requirements for certification that augment current quality of care standards for long-term ~~long term~~ care facilities serving residents with serious mental illness, which shall include admission, discharge planning, psychiatric rehabilitation services, development of age-group appropriate treatment plan goals and services, behavior management services, coordination with community mental health services, staff qualifications and training, clinical consultation, resident access to the outside community, and appropriate environment and space for resident programs, recreation, privacy, and any other issue deemed appropriate by the Department. The augmented standards shall at a minimum include, but need not be limited to, the following:

(1) Staff sufficient in number and qualifications necessary to meet the scheduled and unscheduled needs of

the residents on a 24-hour basis. The Department shall establish by rule the minimum number of psychiatric services rehabilitation coordinators in relation to the number of residents with serious mental illness residing in the facility.

(2) The number and qualifications of consultants required to be contracted with to provide continuing education and training, and to assist with program development.

(3) Training for all new employees specific to the care needs of residents with a serious mental illness diagnosis during their orientation period and annually thereafter. Training shall be independent of the Department and overseen by an agency designated by the Governor to determine the content of all facility employee training and to provide training for all trainers of facility employees. Training of employees shall at minimum include, but need not be limited to, (i) the impact of a serious mental illness diagnosis, (ii) the recovery paradigm and the role of psychiatric rehabilitation, (iii) preventive strategies for managing aggression and crisis prevention, (iv) basic psychiatric rehabilitation techniques and service delivery, (v) resident rights, (vi) abuse prevention, (vii) appropriate interaction between staff and residents, and (viii) any other topic deemed by the Department to be important to ensuring quality of

care.

(4) Quality assessment and improvement requirements, in addition to those contained in this Act on July 29, 2010 (the effective date of Public Act 96-1372) ~~this amendatory Act of the 96th General Assembly~~, specific to a facility's residential psychiatric rehabilitation services, which shall be made available to the Department upon request. A facility shall be required at a minimum to develop and maintain policies and procedures that include, but need not be limited to, evaluation of the appropriateness of resident admissions based on the facility's capacity to meet specific needs, resident assessments, development and implementation of care plans, and discharge planning.

(5) Room selection and appropriateness of roommate assignment.

(6) Comprehensive quarterly review of all treatment plans for residents with serious mental illness by the resident's interdisciplinary team, which takes into account, at a minimum, the resident's progress, prior assessments, and treatment plan.

(7) Substance abuse screening and management and documented referral relationships with certified substance abuse treatment providers.

(8) Administration of psychotropic medications to a resident with serious mental illness who is incapable of giving informed consent, in compliance with the applicable

provisions of the Mental Health and Developmental Disabilities Code.

(i) The Department shall establish a certification fee schedule by rule, in consultation with advocates, nursing homes, and representatives of associations representing long-term ~~long term~~ care facilities.

(j) The Director or her or his designee shall seek input from the Long-Term ~~Long Term~~ Care Facility Advisory Board before filing rules to implement this Section.

Rules proposed no later than January 1, 2011 under this Section shall take effect 180 days after being approved by the Joint Committee on Administrative Rules.

(Source: P.A. 96-1372, eff. 7-29-10; revised 2-28-22.)

(210 ILCS 45/3-613)

Sec. 3-613. Facility employee assistance programs. A facility shall ensure that nurses employed by the facility are aware of employee assistance programs or other like programs available for the physical and mental well-being of the employee. The facility shall provide information on these programs, no less than at the time of employment and during any benefit open enrollment period, by an information form about the respective programs that a nurse must sign during onboarding at the facility. The signed information form shall be added to the nurse's personnel file. The facility may provide this information to nurses electronically.

(Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

(210 ILCS 45/3-614)

Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

(a) A certified nursing assistant intern shall report to a facility's charge nurse or nursing supervisor and may only be assigned duties authorized in Section 2310-434 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois by a supervising nurse.

(b) A facility shall notify its certified and licensed staff members, in writing, that a certified nursing assistant intern may only provide the services and perform the procedures permitted under Section 2310-434 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. The notification shall detail which duties may be delegated to a certified nursing assistant intern. The facility shall establish a policy describing the authorized duties, supervision, and evaluation of certified nursing assistant interns available upon request of the Department and any surveyor.

(c) If a facility learns that a certified nursing assistant intern is performing work outside the scope of the Certified Nursing Assistant Intern Program's training, the facility shall:

(1) stop the certified nursing assistant intern from performing the work;

(2) inspect the work and correct mistakes, if the work performed was done improperly;

(3) assign the work to the appropriate personnel; and

(4) ensure that a thorough assessment of any resident involved in the work performed is completed by a registered nurse.

(d) A facility that employs a certified nursing assistant intern in violation of this Section shall be subject to civil penalties or fines under Section 3-305.

(e) A minimum of 50% of nursing and personal care time shall be provided by a certified nursing assistant, but no more than 15% of nursing and personal care time may be provided by a certified nursing assistant intern.

(Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

(210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

Sec. 3-702. (a) A person who believes that this Act or a rule promulgated under this Act may have been violated may request an investigation. The request may be submitted to the Department in writing, by telephone, by electronic means, or by personal visit. An oral complaint shall be reduced to writing by the Department. The Department shall make available, through its website and upon request, information regarding the oral and phone intake processes and the list of questions that will be asked of the complainant. The Department shall request information identifying the

complainant, including the name, address, and telephone number, to help enable appropriate follow-up. The Department shall act on such complaints via on-site visits or other methods deemed appropriate to handle the complaints with or without such identifying information, as otherwise provided under this Section. The complainant shall be informed that compliance with such request is not required to satisfy the procedures for filing a complaint under this Act. The Department must notify complainants that complaints with less information provided are far more difficult to respond to and investigate.

(b) The substance of the complaint shall be provided in writing to the licensee, owner, or administrator no earlier than at the commencement of an on-site inspection of the facility which takes place pursuant to the complaint.

(c) The Department shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure or the investigation results in a judicial proceeding, or unless disclosure is essential to the investigation. The complainant shall be given the opportunity to withdraw the complaint before disclosure. Upon the request of the complainant, the Department may permit the complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility.

(d) Upon receipt of a complaint, the Department shall determine whether this Act or a rule promulgated under this

Act has been or is being violated. The Department shall investigate all complaints alleging abuse or neglect within 7 days after the receipt of the complaint except that complaints of abuse or neglect which indicate that a resident's life or safety is in imminent danger shall be investigated within 24 hours after receipt of the complaint. All other complaints shall be investigated within 30 days after the receipt of the complaint. The Department employees investigating a complaint shall conduct a brief, informal exit conference with the facility to alert its administration of any suspected serious deficiency that poses a direct threat to the health, safety, or welfare of a resident to enable an immediate correction for the alleviation or elimination of such threat. Such information and findings discussed in the brief exit conference shall become a part of the investigating record but shall not in any way constitute an official or final notice of violation as provided under Section 3-301. All complaints shall be classified as "an invalid report", "a valid report", or "an undetermined report". For any complaint classified as "a valid report", the Department must determine within 30 working days after any Department employee enters a facility to begin an on-site inspection if any rule or provision of this Act has been or is being violated.

(d-1) The Department shall, whenever possible, combine an on-site investigation of a complaint in a facility with other inspections in order to avoid duplication of inspections.

(e) In all cases, the Department shall inform the complainant of its findings within 10 days of its determination unless otherwise indicated by the complainant, and the complainant may direct the Department to send a copy of such findings to another person. The Department's findings may include comments or documentation provided by either the complainant or the licensee pertaining to the complaint. The Department shall also notify the facility of such findings within 10 days of the determination, but the name of the complainant or residents shall not be disclosed in this notice to the facility. The notice of such findings shall include a copy of the written determination; the correction order, if any; the warning notice, if any; the inspection report; or the State licensure form on which the violation is listed.

(f) A written determination, correction order, or warning notice concerning a complaint, together with the facility's response, shall be available for public inspection, but the name of the complainant or resident shall not be disclosed without his consent.

(g) A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing under Section 3-703. The facility shall be given notice of any such hearing and may participate in the hearing as a party. If a facility requests a hearing under Section 3-703 which concerns a matter covered by a complaint, the complainant shall be given notice and may participate in the

hearing as a party. A request for a hearing by either a complainant or a facility shall be submitted in writing to the Department within 30 days after the mailing of the Department's findings as described in subsection (e) of this Section. Upon receipt of the request the Department shall conduct a hearing as provided under Section 3-703.

(g-5) The Department shall conduct an annual review of all survey activity from the preceding fiscal year and make a report concerning the complaint and survey process. The report shall include, but not be limited to:

(1) the total number of complaints received;

(2) the breakdown of 24-hour, 7-day, and 30-day complaints;

(3) the breakdown of anonymous and non-anonymous complaints;

(4) the number of complaints that were substantiated versus unsubstantiated;

(5) the total number of substantiated complaints that were completed in the time frame determined under subsection (d);

(6) the total number of informal dispute resolutions requested;

(7) the total number of informal dispute resolution requests approved;

(8) the total number of informal dispute resolutions that were overturned or reduced in severity;

(9) the total number of nurse surveyors hired during the calendar year;

(10) the total number of nurse surveyors who left Department employment;

(11) the average length of tenure for nurse surveyors employed by the Department at the time the report is created;

(12) the total number of times the Department imposed discretionary denial of payment within 15 days of notice and within 2 days of notice as well as the number of times the discretionary denial of payment took effect; and

(13) any other complaint information requested by the Long-Term Care Facility Advisory Board created under Section 2-204 of this Act or the Illinois Long-Term Care Council created under Section 4.04a of the Illinois Act on the Aging.

This report shall be provided to the Long-Term Care Facility Advisory Board, the Illinois Long-Term Care Council, and the General Assembly. The Long-Term Care Facility Advisory Board and the Illinois Long-Term Care Council shall review the report and suggest any changes deemed necessary to the Department for review and action, including how to investigate and substantiate anonymous complaints.

(h) Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(8) of Section 26-1 of the Criminal Code of

2012.

(Source: P.A. 102-432, eff. 8-20-21; 102-947, eff. 1-1-23; revised 12-9-22.)

Section 415. The MC/DD Act is amended by setting forth and renumbering multiple versions of Section 3-613 as follows:

(210 ILCS 46/3-613)

Sec. 3-613. Facility employee assistance programs. A facility shall ensure that nurses employed by the facility are aware of employee assistance programs or other like programs available for the physical and mental well-being of the employee. The facility shall provide information on these programs, no less than at the time of employment and during any benefit open enrollment period, by an information form about the respective programs that a nurse must sign during onboarding at the facility. The signed information form shall be added to the nurse's personnel file. The facility may provide this information to nurses electronically.

(Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

(210 ILCS 46/3-614)

Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

(a) A certified nursing assistant intern shall report to a facility's charge nurse or nursing supervisor and may only be assigned duties authorized in Section 2310-434 of the

Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois by a supervising nurse.

(b) A facility shall notify its certified and licensed staff members, in writing, that a certified nursing assistant intern may only provide the services and perform the procedures permitted under Section 2310-434 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. The notification shall detail which duties may be delegated to a certified nursing assistant intern. The facility shall establish a policy describing the authorized duties, supervision, and evaluation of certified nursing assistant interns available upon request of the Department and any surveyor.

(c) If a facility learns that a certified nursing assistant intern is performing work outside the scope of the Certified Nursing Assistant Intern Program's training, the facility shall:

(1) stop the certified nursing assistant intern from performing the work;

(2) inspect the work and correct mistakes, if the work performed was done improperly;

(3) assign the work to the appropriate personnel; and

(4) ensure that a thorough assessment of any resident involved in the work performed is completed by a registered nurse.

(d) A facility that employs a certified nursing assistant

intern in violation of this Section shall be subject to civil penalties or fines under Section 3-305.

(Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

Section 420. The ID/DD Community Care Act is amended by by setting forth and renumbering multiple versions of Section 3-613 as follows:

(210 ILCS 47/3-613)

Sec. 3-613. Facility employee assistance programs. A facility shall ensure that nurses employed by the facility are aware of employee assistance programs or other like programs available for the physical and mental well-being of the employee. The facility shall provide information on these programs, no less than at the time of employment and during any benefit open enrollment period, by an information form about the respective programs that a nurse must sign during onboarding at the facility. The signed information form shall be added to the nurse's personnel file. The facility may provide this information to nurses electronically.

(Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

(210 ILCS 47/3-614)

Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

(a) A certified nursing assistant intern shall report to a facility's charge nurse or nursing supervisor and may only be

assigned duties authorized in Section 2310-434 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois by a supervising nurse.

(b) A facility shall notify its certified and licensed staff members, in writing, that a certified nursing assistant intern may only provide the services and perform the procedures permitted under Section 2310-434 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. The notification shall detail which duties may be delegated to a certified nursing assistant intern. The facility shall establish a policy describing the authorized duties, supervision, and evaluation of certified nursing assistant interns available upon request of the Department and any surveyor.

(c) If a facility learns that a certified nursing assistant intern is performing work outside the scope of the Certified Nursing Assistant Intern Program's training, the facility shall:

(1) stop the certified nursing assistant intern from performing the work;

(2) inspect the work and correct mistakes, if the work performed was done improperly;

(3) assign the work to the appropriate personnel; and

(4) ensure that a thorough assessment of any resident involved in the work performed is completed by a registered nurse.

(d) A facility that employs a certified nursing assistant intern in violation of this Section shall be subject to civil penalties or fines under Section 3-305.

(Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

Section 425. The Specialized Mental Health Rehabilitation Act of 2013 is amended by changing Section 4-105 as follows:

(210 ILCS 49/4-105)

Sec. 4-105. Provisional licensure duration. A provisional license shall be valid upon fulfilling the requirements established by the Department by emergency rule. The license shall remain valid as long as a facility remains in compliance with the licensure provisions established in rule. Provisional licenses issued upon initial licensure as a specialized mental health rehabilitation facility shall expire at the end of a 3-year period, which commences on the date the provisional license is issued. Issuance of a provisional license for any reason other than initial licensure (including, but not limited to, change of ownership, location, number of beds, or services) shall not extend the maximum 3-year period, at the end of which a facility must be licensed pursuant to Section 4-201. Notwithstanding any other provision of this Act or the Specialized Mental Health Rehabilitation Facilities Code, 77 Ill. Adm. ~~Admin.~~ Code 380, to the contrary, if a facility has received notice from the Department that its application for

provisional licensure to provide recovery and rehabilitation services has been accepted as complete and the facility has attested in writing to the Department that it will comply with the staff training plan approved by the Division of Mental Health, then a provisional license for recovery and rehabilitation services shall be issued to the facility within 60 days after the Department determines that the facility is in compliance with the requirements of the Life Safety Code in accordance with Section 4-104.5 of this Act.

(Source: P.A. 99-712, eff. 8-5-16; 100-365, eff. 8-25-17; revised 2-28-22.)

Section 430. The Illinois Insurance Code is amended by changing Sections 143a, 229.4a, 356z.14, 364.01, and 513b1 and by setting forth, renumbering, and changing multiple versions of Section 356z.53 as follows:

(215 ILCS 5/143a)

(Text of Section before amendment by P.A. 102-982)

Sec. 143a. Uninsured and hit-and-run ~~hit and run~~ motor vehicle coverage.

(1) No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle that is designed for use on public highways and that is either required to be registered in this State or

is principally garaged in this State shall be renewed, delivered, or issued for delivery in this State unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in Section 7-203 of the Illinois Vehicle Code for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom. Uninsured motor vehicle coverage does not apply to bodily injury, sickness, disease, or death resulting therefrom, of an insured while occupying a motor vehicle owned by, or furnished or available for the regular use of the insured, a resident spouse or resident relative, if that motor vehicle is not described in the policy under which a claim is made or is not a newly acquired or replacement motor vehicle covered under the terms of the policy. The limits for any coverage for any vehicle under the policy may not be aggregated with the limits for any similar coverage, whether provided by the same insurer or another insurer, applying to other motor vehicles, for purposes of determining the total limit of insurance coverage available for bodily injury or death suffered by a person in any one accident. No policy shall be renewed, delivered, or issued for delivery in this State unless it is provided therein that any dispute with respect to the coverage and the amount of damages shall be submitted for arbitration to the

American Arbitration Association and be subject to its rules for the conduct of arbitration hearings as to all matters except medical opinions. As to medical opinions, if the amount of damages being sought is equal to or less than the amount provided for in Section 7-203 of the Illinois Vehicle Code, then the current American Arbitration Association Rules shall apply. If the amount being sought in an American Arbitration Association case exceeds that amount as set forth in Section 7-203 of the Illinois Vehicle Code, then the Rules of Evidence that apply in the circuit court for placing medical opinions into evidence shall govern. Alternatively, disputes with respect to damages and the coverage shall be determined in the following manner: Upon the insured requesting arbitration, each party to the dispute shall select an arbitrator and the 2 arbitrators so named shall select a third arbitrator. If such arbitrators are not selected within 45 days from such request, either party may request that the arbitration be submitted to the American Arbitration Association. Any decision made by the arbitrators shall be binding for the amount of damages not exceeding $75,000 for bodily injury to or death of any one person, $150,000 for bodily injury to or death of 2 or more persons in any one motor vehicle accident, or the corresponding policy limits for bodily injury or death, whichever is less. All 3-person arbitration cases proceeding in accordance with any uninsured motorist coverage conducted in this State in which the claimant is only seeking monetary

damages up to the limits set forth in Section 7-203 of the Illinois Vehicle Code shall be subject to the following rules:

(A) If at least 60 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

(1) bills, records, and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses, physical therapists, and other healthcare providers;

(2) bills for drugs, medical appliances, and prostheses;

(3) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(4) a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;

(5) the written opinion of an opinion witness, the deposition of a witness, and the statement of a witness that the witness would be allowed to express if testifying in person, if the opinion or statement is made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure;

(6) any other document not specifically covered by any of the foregoing provisions that is otherwise admissible under the rules of evidence.

Any party receiving a notice under this paragraph (A) may apply to the arbitrator or panel of arbitrators, as the case may be, for the issuance of a subpoena directed to the author or maker or custodian of the document that is the subject of the notice, requiring the person subpoenaed to produce copies of any additional documents as may be related to the subject matter of the document that is the subject of the notice. Any such subpoena shall be issued in substantially similar form and served by notice as provided by Illinois Supreme Court Rule 204(a)(4). Any such subpoena shall be returnable not less than 5 days before the arbitration hearing.

(B) Notwithstanding the provisions of Supreme Court Rule 213(g), a party who proposes to use a written opinion of an expert or opinion witness or the testimony of an expert or opinion witness at the hearing may do so provided a written notice of that intention is given to every other party not less than 60 days prior to the date of hearing, accompanied by a statement containing the identity of the witness, his or her qualifications, the subject matter, the basis of the witness's conclusions, and his or her opinion.

(C) Any other party may subpoena the author or maker

of a document admissible under this subsection, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of Section 2-1101 of the Code of Civil Procedure shall be applicable to arbitration hearings, and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(D) The provisions of Section 2-1102 of the Code of Civil Procedure shall be applicable to arbitration hearings under this subsection.

(2) No policy insuring against loss resulting from liability imposed by law for property damage arising out of the ownership, maintenance, or use of a motor vehicle shall be renewed, delivered, or issued for delivery in this State with respect to any private passenger or recreational motor vehicle that is designed for use on public highways and that is either required to be registered in this State or is principally garaged in this State, unless coverage is made available in the amount of the actual cash value of the motor vehicle described in the policy or the corresponding policy limit for uninsured motor vehicle property damage coverage, whichever is less, subject to a maximum $250 deductible, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of property

damage to the motor vehicle described in the policy.

There shall be no liability imposed under the uninsured motorist property damage coverage required by this subsection if the owner or operator of the at-fault uninsured motor vehicle or hit-and-run motor vehicle cannot be identified. This subsection shall not apply to any policy which does not provide primary motor vehicle liability insurance for liabilities arising from the maintenance, operation, or use of a specifically insured motor vehicle.

Each insurance company providing motor vehicle property damage liability insurance shall advise applicants of the availability of uninsured motor vehicle property damage coverage, the premium therefor, and provide a brief description of the coverage. That information need be given only once and shall not be required in any subsequent renewal, reinstatement or reissuance, substitute, amended, replacement or supplementary policy. No written rejection shall be required, and the absence of a premium payment for uninsured motor vehicle property damage shall constitute conclusive proof that the applicant or policyholder has elected not to accept uninsured motorist property damage coverage.

An insurance company issuing uninsured motor vehicle property damage coverage may provide that:

(i) Property damage losses recoverable thereunder shall be limited to damages caused by the actual physical contact of an uninsured motor vehicle with the insured

motor vehicle.

(ii) There shall be no coverage for loss of use of the insured motor vehicle and no coverage for loss or damage to personal property located in the insured motor vehicle.

(iii) Any claim submitted shall include the name and address of the owner of the at-fault uninsured motor vehicle, or a registration number and description of the vehicle, or any other available information to establish that there is no applicable motor vehicle property damage liability insurance.

Any dispute with respect to the coverage and the amount of damages shall be submitted for arbitration to the American Arbitration Association and be subject to its rules for the conduct of arbitration hearings or for determination in the following manner: Upon the insured requesting arbitration, each party to the dispute shall select an arbitrator and the 2 arbitrators so named shall select a third arbitrator. If such arbitrators are not selected within 45 days from such request, either party may request that the arbitration be submitted to the American Arbitration Association. Any arbitration proceeding under this subsection seeking recovery for property damages shall be subject to the following rules:

(A) If at least 60 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without

foundation or other proof:

(1) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(2) the written opinion of an opinion witness, the deposition of a witness, and the statement of a witness that the witness would be allowed to express if testifying in person, if the opinion or statement is made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure;

(3) any other document not specifically covered by any of the foregoing provisions that is otherwise admissible under the rules of evidence.

Any party receiving a notice under this paragraph (A) may apply to the arbitrator or panel of arbitrators, as the case may be, for the issuance of a subpoena directed to the author or maker or custodian of the document that is the subject of the notice, requiring the person subpoenaed to produce copies of any additional documents as may be related to the subject matter of the document that is the subject of the notice. Any such subpoena shall be issued in substantially similar form and served by notice as provided by Illinois Supreme Court Rule 204(a)(4). Any such subpoena shall be returnable not less than 5 days before the arbitration hearing.

(B) Notwithstanding the provisions of Supreme Court Rule 213(g), a party who proposes to use a written opinion of an expert or opinion witness or the testimony of an expert or opinion witness at the hearing may do so provided a written notice of that intention is given to every other party not less than 60 days prior to the date of hearing, accompanied by a statement containing the identity of the witness, his or her qualifications, the subject matter, the basis of the witness's conclusions, and his or her opinion.

(C) Any other party may subpoena the author or maker of a document admissible under this subsection, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of Section 2-1101 of the Code of Civil Procedure shall be applicable to arbitration hearings, and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(D) The provisions of Section 2-1102 of the Code of Civil Procedure shall be applicable to arbitration hearings under this subsection.

(3) For the purpose of the coverage, the term "uninsured motor vehicle" includes, subject to the terms and conditions of the coverage, a motor vehicle where on, before, or after the accident date the liability insurer thereof is unable to make

payment with respect to the legal liability of its insured within the limits specified in the policy because of the entry by a court of competent jurisdiction of an order of rehabilitation or liquidation by reason of insolvency on or after the accident date. An insurer's extension of coverage, as provided in this subsection, shall be applicable to all accidents occurring after July 1, 1967 during a policy period in which its insured's uninsured motor vehicle coverage is in effect. Nothing in this Section may be construed to prevent any insurer from extending coverage under terms and conditions more favorable to its insureds than is required by this Section.

(4) In the event of payment to any person under the coverage required by this Section and subject to the terms and conditions of the coverage, the insurer making the payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of the person against any person or organization legally responsible for the property damage, bodily injury or death for which the payment is made, including the proceeds recoverable from the assets of the insolvent insurer. With respect to payments made by reason of the coverage described in subsection (3), the insurer making such payment shall not be entitled to any right of recovery against the tortfeasor in excess of the proceeds recovered from the assets of the insolvent insurer of the tortfeasor.

(5) This amendatory Act of 1967 (Laws of Illinois 1967, page 875) shall not be construed to terminate or reduce any insurance coverage or any right of any party under this Code in effect before July 1, 1967. Public Act 86-1155 shall not be construed to terminate or reduce any insurance coverage or any right of any party under this Code in effect before its effective date.

(6) Failure of the motorist from whom the claimant is legally entitled to recover damages to file the appropriate forms with the Safety Responsibility Section of the Department of Transportation within 120 days of the accident date shall create a rebuttable presumption that the motorist was uninsured at the time of the injurious occurrence.

(7) An insurance carrier may upon good cause require the insured to commence a legal action against the owner or operator of an uninsured motor vehicle before good faith negotiation with the carrier. If the action is commenced at the request of the insurance carrier, the carrier shall pay to the insured, before the action is commenced, all court costs, jury fees and sheriff's fees arising from the action.

The changes made by Public Act 90-451 apply to all policies of insurance amended, delivered, issued, or renewed on and after January 1, 1998 (the effective date of Public Act 90-451).

(8) The changes made by Public Act 98-927 apply to all policies of insurance amended, delivered, issued, or renewed

on and after January 1, 2015 (the effective date of Public Act 98-927).

(Source: P.A. 102-775, eff. 5-13-22; revised 8-3-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 143a. Uninsured and hit-and-run ~~hit and run~~ motor vehicle coverage.

(1) No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle that is designed for use on public highways and that is either required to be registered in this State or is principally garaged in this State shall be renewed, delivered, or issued for delivery in this State unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in Section 7-203 of the Illinois Vehicle Code for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom. Uninsured motor vehicle coverage does not apply to bodily injury, sickness, disease, or death resulting therefrom, of an insured while occupying a motor vehicle owned by, or furnished or available for the regular use of the insured, a resident spouse or resident relative, if that motor vehicle is not

described in the policy under which a claim is made or is not a newly acquired or replacement motor vehicle covered under the terms of the policy. The limits for any coverage for any vehicle under the policy may not be aggregated with the limits for any similar coverage, whether provided by the same insurer or another insurer, applying to other motor vehicles, for purposes of determining the total limit of insurance coverage available for bodily injury or death suffered by a person in any one crash. No policy shall be renewed, delivered, or issued for delivery in this State unless it is provided therein that any dispute with respect to the coverage and the amount of damages shall be submitted for arbitration to the American Arbitration Association and be subject to its rules for the conduct of arbitration hearings as to all matters except medical opinions. As to medical opinions, if the amount of damages being sought is equal to or less than the amount provided for in Section 7-203 of the Illinois Vehicle Code, then the current American Arbitration Association Rules shall apply. If the amount being sought in an American Arbitration Association case exceeds that amount as set forth in Section 7-203 of the Illinois Vehicle Code, then the Rules of Evidence that apply in the circuit court for placing medical opinions into evidence shall govern. Alternatively, disputes with respect to damages and the coverage shall be determined in the following manner: Upon the insured requesting arbitration, each party to the dispute shall select an arbitrator and the 2

arbitrators so named shall select a third arbitrator. If such arbitrators are not selected within 45 days from such request, either party may request that the arbitration be submitted to the American Arbitration Association. Any decision made by the arbitrators shall be binding for the amount of damages not exceeding $75,000 for bodily injury to or death of any one person, $150,000 for bodily injury to or death of 2 or more persons in any one motor vehicle crash, or the corresponding policy limits for bodily injury or death, whichever is less. All 3-person arbitration cases proceeding in accordance with any uninsured motorist coverage conducted in this State in which the claimant is only seeking monetary damages up to the limits set forth in Section 7-203 of the Illinois Vehicle Code shall be subject to the following rules:

(A) If at least 60 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

(1) bills, records, and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses, physical therapists, and other healthcare providers;

(2) bills for drugs, medical appliances, and prostheses;

(3) property repair bills or estimates, when

identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(4) a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;

(5) the written opinion of an opinion witness, the deposition of a witness, and the statement of a witness that the witness would be allowed to express if testifying in person, if the opinion or statement is made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure;

(6) any other document not specifically covered by any of the foregoing provisions that is otherwise admissible under the rules of evidence.

Any party receiving a notice under this paragraph (A) may apply to the arbitrator or panel of arbitrators, as the case may be, for the issuance of a subpoena directed to the author or maker or custodian of the document that is the subject of the notice, requiring the person subpoenaed to produce copies of any additional documents as may be related to the subject matter of the document that is the subject of the notice. Any such subpoena shall be issued in substantially similar form and served by notice as provided by Illinois Supreme Court Rule 204(a)(4). Any such subpoena shall be returnable not less than 5 days

before the arbitration hearing.

(B) Notwithstanding the provisions of Supreme Court Rule 213(g), a party who proposes to use a written opinion of an expert or opinion witness or the testimony of an expert or opinion witness at the hearing may do so provided a written notice of that intention is given to every other party not less than 60 days prior to the date of hearing, accompanied by a statement containing the identity of the witness, his or her qualifications, the subject matter, the basis of the witness's conclusions, and his or her opinion.

(C) Any other party may subpoena the author or maker of a document admissible under this subsection, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of Section 2-1101 of the Code of Civil Procedure shall be applicable to arbitration hearings, and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(D) The provisions of Section 2-1102 of the Code of Civil Procedure shall be applicable to arbitration hearings under this subsection.

(2) No policy insuring against loss resulting from liability imposed by law for property damage arising out of the ownership, maintenance, or use of a motor vehicle shall be

renewed, delivered, or issued for delivery in this State with respect to any private passenger or recreational motor vehicle that is designed for use on public highways and that is either required to be registered in this State or is principally garaged in this State, unless coverage is made available in the amount of the actual cash value of the motor vehicle described in the policy or the corresponding policy limit for uninsured motor vehicle property damage coverage, whichever is less, subject to a maximum $250 deductible, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of property damage to the motor vehicle described in the policy.

There shall be no liability imposed under the uninsured motorist property damage coverage required by this subsection if the owner or operator of the at-fault uninsured motor vehicle or hit-and-run motor vehicle cannot be identified. This subsection shall not apply to any policy which does not provide primary motor vehicle liability insurance for liabilities arising from the maintenance, operation, or use of a specifically insured motor vehicle.

Each insurance company providing motor vehicle property damage liability insurance shall advise applicants of the availability of uninsured motor vehicle property damage coverage, the premium therefor, and provide a brief description of the coverage. That information need be given

only once and shall not be required in any subsequent renewal, reinstatement or reissuance, substitute, amended, replacement or supplementary policy. No written rejection shall be required, and the absence of a premium payment for uninsured motor vehicle property damage shall constitute conclusive proof that the applicant or policyholder has elected not to accept uninsured motorist property damage coverage.

An insurance company issuing uninsured motor vehicle property damage coverage may provide that:

(i) Property damage losses recoverable thereunder shall be limited to damages caused by the actual physical contact of an uninsured motor vehicle with the insured motor vehicle.

(ii) There shall be no coverage for loss of use of the insured motor vehicle and no coverage for loss or damage to personal property located in the insured motor vehicle.

(iii) Any claim submitted shall include the name and address of the owner of the at-fault uninsured motor vehicle, or a registration number and description of the vehicle, or any other available information to establish that there is no applicable motor vehicle property damage liability insurance.

Any dispute with respect to the coverage and the amount of damages shall be submitted for arbitration to the American Arbitration Association and be subject to its rules for the conduct of arbitration hearings or for determination in the

following manner: Upon the insured requesting arbitration, each party to the dispute shall select an arbitrator and the 2 arbitrators so named shall select a third arbitrator. If such arbitrators are not selected within 45 days from such request, either party may request that the arbitration be submitted to the American Arbitration Association. Any arbitration proceeding under this subsection seeking recovery for property damages shall be subject to the following rules:

(A) If at least 60 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

(1) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(2) the written opinion of an opinion witness, the deposition of a witness, and the statement of a witness that the witness would be allowed to express if testifying in person, if the opinion or statement is made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure;

(3) any other document not specifically covered by any of the foregoing provisions that is otherwise admissible under the rules of evidence.

Any party receiving a notice under this paragraph (A) may apply to the arbitrator or panel of arbitrators, as the case may be, for the issuance of a subpoena directed to the author or maker or custodian of the document that is the subject of the notice, requiring the person subpoenaed to produce copies of any additional documents as may be related to the subject matter of the document that is the subject of the notice. Any such subpoena shall be issued in substantially similar form and served by notice as provided by Illinois Supreme Court Rule 204(a)(4). Any such subpoena shall be returnable not less than 5 days before the arbitration hearing.

(B) Notwithstanding the provisions of Supreme Court Rule 213(g), a party who proposes to use a written opinion of an expert or opinion witness or the testimony of an expert or opinion witness at the hearing may do so provided a written notice of that intention is given to every other party not less than 60 days prior to the date of hearing, accompanied by a statement containing the identity of the witness, his or her qualifications, the subject matter, the basis of the witness's conclusions, and his or her opinion.

(C) Any other party may subpoena the author or maker of a document admissible under this subsection, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of Section 2-1101

of the Code of Civil Procedure shall be applicable to arbitration hearings, and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(D) The provisions of Section 2-1102 of the Code of Civil Procedure shall be applicable to arbitration hearings under this subsection.

(3) For the purpose of the coverage, the term "uninsured motor vehicle" includes, subject to the terms and conditions of the coverage, a motor vehicle where on, before, or after the date of the crash the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified in the policy because of the entry by a court of competent jurisdiction of an order of rehabilitation or liquidation by reason of insolvency on or after the date of the crash. An insurer's extension of coverage, as provided in this subsection, shall be applicable to all crashes occurring after July 1, 1967 during a policy period in which its insured's uninsured motor vehicle coverage is in effect. Nothing in this Section may be construed to prevent any insurer from extending coverage under terms and conditions more favorable to its insureds than is required by this Section.

(4) In the event of payment to any person under the coverage required by this Section and subject to the terms and

conditions of the coverage, the insurer making the payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of the person against any person or organization legally responsible for the property damage, bodily injury or death for which the payment is made, including the proceeds recoverable from the assets of the insolvent insurer. With respect to payments made by reason of the coverage described in subsection (3), the insurer making such payment shall not be entitled to any right of recovery against the tortfeasor in excess of the proceeds recovered from the assets of the insolvent insurer of the tortfeasor.

(5) This amendatory Act of 1967 (Laws of Illinois 1967, page 875) shall not be construed to terminate or reduce any insurance coverage or any right of any party under this Code in effect before July 1, 1967. Public Act 86-1155 shall not be construed to terminate or reduce any insurance coverage or any right of any party under this Code in effect before its effective date.

(6) Failure of the motorist from whom the claimant is legally entitled to recover damages to file the appropriate forms with the Safety Responsibility Section of the Department of Transportation within 120 days of the date of the crash shall create a rebuttable presumption that the motorist was uninsured at the time of the injurious occurrence.

(7) An insurance carrier may upon good cause require the

insured to commence a legal action against the owner or operator of an uninsured motor vehicle before good faith negotiation with the carrier. If the action is commenced at the request of the insurance carrier, the carrier shall pay to the insured, before the action is commenced, all court costs, jury fees and sheriff's fees arising from the action.

The changes made by Public Act 90-451 apply to all policies of insurance amended, delivered, issued, or renewed on and after January 1, 1998 (the effective date of Public Act 90-451).

(8) The changes made by Public Act 98-927 apply to all policies of insurance amended, delivered, issued, or renewed on and after January 1, 2015 (the effective date of Public Act 98-927).

(Source: P.A. 102-775, eff. 5-13-22; 102-982, eff. 7-1-23; revised 8-3-22.)

(215 ILCS 5/229.4a)

Sec. 229.4a. Standard Nonforfeiture ~~Non-forfeiture~~ Law for Individual Deferred Annuities.

(1) Title. This Section shall be known as the Standard Nonforfeiture Law for Individual Deferred Annuities.

(2) Applicability. This Section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship)

or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this State through an agent or other representative of the company issuing the contract.

(3) Nonforfeiture Requirements.

(A) In the case of contracts issued on or after the operative date of this Section as defined in subsection (13), no contract of annuity, except as stated in subsection (2), shall be delivered or issued for delivery in this State unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the Director of Insurance are at least as favorable to the contract holder, upon cessation of payment of considerations under the contract:

(i) That upon cessation of payment of considerations under a contract, or upon the written request of the contract owner, the company shall grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (5), (6), (7), (8), and (10);

(ii) If a contract provides for a lump sum

settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company shall pay in lieu of a paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (5), (6), (8), and (10). The company may reserve the right to defer the payment of the cash surrender benefit for a period not to exceed 6 months after demand therefor with surrender of the contract after making written request and receiving written approval of the Director. The request shall address the necessity and equitability to all policyholders of the deferral;

(iii) A statement of the mortality table, if any, and interest rates used calculating any minimum paid-up annuity, cash surrender, or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of the benefits; and

(iv) A statement that any paid-up annuity, cash surrender, or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which the benefits are altered by the existence of any additional amounts credited by the

company to the contract, any indebtedness to the company on the contract, or any prior withdrawals from or partial surrenders of the contract.

(B) Notwithstanding the requirements of this Section, a deferred annuity contract may provide that if no considerations have been received under a contract for a period of 2 full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from prior considerations paid would be less than $20 monthly, the company may at its option terminate the contract by payment in cash of the then present value of the portion of the paid-up annuity benefit, calculated on the basis on the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by this payment shall be relieved of any further obligation under the contract.

(4) Minimum values. The minimum values as specified in subsections (5), (6), (7), (8), and (10) of any paid-up annuity, cash surrender, or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this subsection.

(A)(i) The minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at rates of interest as indicated in subdivision (4)(B) of the net

considerations (as hereinafter defined) paid prior to such time, decreased by the sum of paragraphs (a) through (d) below:

(a) Any prior withdrawals from or partial surrenders of the contract accumulated at rates of interest as indicated in subdivision (4)(B);

(b) An annual contract charge of $50, accumulated at rates of interest as indicated in subdivision (4)(B);

(c) Any premium tax paid by the company for the contract, accumulated at rates of interest as indicated in subdivision (4)(B); and

(d) The amount of any indebtedness to the company on the contract, including interest due and accrued.

(ii) The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount equal to 87.5% of the gross considerations, credited to the contract during that contract year.

(B) The interest rate used in determining minimum nonforfeiture amounts shall be an annual rate of interest determined as the lesser of 3% per annum and the following, which shall be specified in the contract if the interest rate will be reset:

(i) The 5-year ~~five-year~~ Constant Maturity Treasury Rate reported by the Federal Reserve as of a date, or average over a period, rounded to the nearest

1/20th of one percent, specified in the contract no longer than 15 months prior to the contract issue date or redetermination date under subdivision (4)(B)(iv);

(ii) Reduced by 125 basis points;

(iii) Where the resulting interest rate is not less than 0.15%; and

(iv) The interest rate shall apply for an initial period and may be redetermined for additional periods. The redetermination date, basis, and period, if any, shall be stated in the contract. The basis is the date or average over a specified period that produces the value of the 5-year Constant Maturity Treasury Rate to be used at each redetermination date.

(C) During the period or term that a contract provides substantive participation in an equity indexed benefit, it may increase the reduction described in subdivision (4)(B)(ii) above by up to an additional 100 basis points to reflect the value of the equity index benefit. The present value at the contract issue date, and at each redetermination date thereafter, of the additional reduction shall not exceed market value of the benefit. The Director may require a demonstration that the present value of the additional reduction does not exceed the market value of the benefit. Lacking such a demonstration that is acceptable to the Director, the Director may disallow or limit the additional reduction.

(D) The Director may adopt rules to implement the provisions of subdivision (4)(C) and to provide for further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit and for other contracts that the Director determines adjustments are justified.

(5) Computation of Present Value. Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Present value shall be computed using the mortality table, if any, and the interest rates specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(6) Calculation of Cash Surrender Value. For contracts that provide cash surrender benefits, the cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit that would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than 1% higher than the interest rate specified

in the contract for accumulating the net considerations to determine maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(7) Calculation of Paid-up Annuity Benefits. For contracts that do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine maturity value, and increased by any additional amounts credited by the company to the contract. For contracts that do not provide any death benefits prior to the commencement of any annuity payments, present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for

determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(8) Maturity Date. For the purpose of determining the benefits calculated under subsections (6) and (7), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(9) Disclosure of Limited Death Benefits. A contract that does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(10) Inclusion of Lapse of Time Considerations. Any paid-up annuity, cash surrender, or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of

considerations under the contract occurs.

(11) Proration of Values; Additional Benefits. For a contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (5), (6), (7), (8)<u>,</u> and (10), additional benefits payable in the event of total and permanent disability, as reversionary annuity or deferred reversionary annuity benefits, or as other policy benefits additional to life insurance, endowment<u>,</u> and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender<u>,</u> and death benefits that may be required under this Section. The inclusion of such benefits shall not be required in any paid-up benefits, unless the additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender<u>,</u> and death benefits.

(12) Rules. The Director may adopt rules to implement the provisions of this Section.

(13) Effective Date. After August 6, 2004 (the effective date of Public Act 93-873) ~~this amendatory Act of the 93rd General Assembly~~, a company may elect to apply its provisions to annuity contracts on a contract form-by-contract form basis before July 1, 2006. In all other instances, this Section shall become operative with respect to annuity contracts issued by the company on or after July 1, 2006.

(14) (Blank).

(Source: P.A. 102-775, eff. 5-13-22; revised 8-19-22.)

(215 ILCS 5/356z.14)

Sec. 356z.14. Autism spectrum disorders.

(a) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after December 12, 2008 (the effective date of Public Act 95-1005) ~~this amendatory Act of the 95th General Assembly~~ must provide individuals under 21 years of age coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the diagnosis and treatment of autism spectrum disorders are not already covered by the policy of accident and health insurance or managed care plan.

(b) Coverage provided under this Section shall be subject to a maximum benefit of $36,000 per year, but shall not be subject to any limits on the number of visits to a service provider. After December 30, 2009, the Director of the

Division of Insurance shall, on an annual basis, adjust the maximum benefit for inflation using the Medical Care Component of the United States Department of Labor Consumer Price Index for All Urban Consumers. Payments made by an insurer on behalf of a covered individual for any care, treatment, intervention, service, or item, the provision of which was for the treatment of a health condition not diagnosed as an autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection.

(c) Coverage under this Section shall be subject to copayment, deductible, and coinsurance provisions of a policy of accident and health insurance or managed care plan to the extent that other medical services covered by the policy of accident and health insurance or managed care plan are subject to these provisions.

(d) This Section shall not be construed as limiting benefits that are otherwise available to an individual under a policy of accident and health insurance or managed care plan and benefits provided under this Section may not be subject to dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable to the insured than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally.

(e) An insurer may not deny or refuse to provide otherwise covered services, or refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage under an individual

contract to provide services to an individual because the individual or their dependent is diagnosed with an autism spectrum disorder or due to the individual utilizing benefits in this Section.

(e-5) An insurer may not deny or refuse to provide otherwise covered services under a group or individual policy of accident and health insurance or a managed care plan solely because of the location wherein the clinically appropriate services are provided.

(f) Upon request of the reimbursing insurer, a provider of treatment for autism spectrum disorders shall furnish medical records, clinical notes, or other necessary data that substantiate that initial or continued medical treatment is medically necessary and is resulting in improved clinical status. When treatment is anticipated to require continued services to achieve demonstrable progress, the insurer may request a treatment plan consisting of diagnosis, proposed treatment by type, frequency, anticipated duration of treatment, the anticipated outcomes stated as goals, and the frequency by which the treatment plan will be updated.

(g) When making a determination of medical necessity for a treatment modality for autism spectrum disorders, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process. During the appeals process, any

challenge to medical necessity must be viewed as reasonable only if the review includes a physician with expertise in the most current and effective treatment modalities for autism spectrum disorders.

(h) Coverage for medically necessary early intervention services must be delivered by certified early intervention specialists, as defined in 89 Ill. Adm. ~~Admin.~~ Code 500 and any subsequent amendments thereto.

(h-5) If an individual has been diagnosed as having an autism spectrum disorder, meeting the diagnostic criteria in place at the time of diagnosis, and treatment is determined medically necessary, then that individual shall remain eligible for coverage under this Section even if subsequent changes to the diagnostic criteria are adopted by the American Psychiatric Association. If no changes to the diagnostic criteria are adopted after April 1, 2012, and before December 31, 2014, then this subsection (h-5) shall be of no further force and effect.

(h-10) An insurer may not deny or refuse to provide covered services, or refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage under an individual contract, for a person diagnosed with an autism spectrum disorder on the basis that the individual declined an alternative medication or covered service when the individual's health care provider has determined that such medication or covered service may exacerbate clinical

symptomatology and is medically contraindicated for the individual and the individual has requested and received a medical exception as provided for under Section 45.1 of the Managed Care Reform and Patient Rights Act. For the purposes of this subsection (h-10), "clinical symptomatology" means any indication of disorder or disease when experienced by an individual as a change from normal function, sensation, or appearance.

(h-15) If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage outlined in subsection (h-10), then subsection (h-10) is inoperative with respect to all coverage outlined in subsection (h-10) other than that authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of the coverage set forth in subsection (h-10).

(i) As used in this Section:

"Autism spectrum disorders" means pervasive developmental disorders as defined in the most recent edition of the

Diagnostic and Statistical Manual of Mental Disorders, including autism, Asperger's disorder, and pervasive developmental disorder not otherwise specified.

"Diagnosis of autism spectrum disorders" means one or more tests, evaluations, or assessments to diagnose whether an individual has autism spectrum disorder that is prescribed, performed, or ordered by (A) a physician licensed to practice medicine in all its branches or (B) a licensed clinical psychologist with expertise in diagnosing autism spectrum disorders.

"Medically necessary" means any care, treatment, intervention, service or item which will or is reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, disease, or disability; (ii) reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury, disease, or disability; or (iii) assist to achieve or maintain maximum functional activity in performing daily activities.

"Treatment for autism spectrum disorders" shall include the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by (A) a physician licensed to practice medicine in all its branches or (B) a certified, registered, or licensed health care professional with expertise in treating effects of autism spectrum disorders when the care is determined to be medically necessary and ordered by a physician licensed to practice

medicine in all its branches:

(1) Psychiatric care, meaning direct, consultative, or diagnostic services provided by a licensed psychiatrist.

(2) Psychological care, meaning direct or consultative services provided by a licensed psychologist.

(3) Habilitative or rehabilitative care, meaning professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are intended to develop, maintain, and restore the functioning of an individual. As used in this subsection (i), "applied behavior analysis" means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

(4) Therapeutic care, including behavioral, speech, occupational, and physical therapies that provide treatment in the following areas: (i) self care and feeding, (ii) pragmatic, receptive, and expressive language, (iii) cognitive functioning, (iv) applied behavior analysis, intervention, and modification, (v) motor planning, and (vi) sensory processing.

(j) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the

rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 102-322, eff. 1-1-22; revised 2-28-22.)

(215 ILCS 5/356z.53)

Sec. 356z.53. Coverage for home health services. A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2024 shall provide coverage for access to home health services for the duration of medically necessary care.

(Source: P.A. 102-816, eff. 1-1-23; revised 12-29-22.)

(215 ILCS 5/356z.54)

Sec. 356z.54 ~~356z.53~~. Coverage for breast reduction surgery. A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2024 shall provide coverage for medically necessary breast reduction surgery.

(Source: P.A. 102-731, eff. 1-1-23; revised 12-29-22.)

(215 ILCS 5/356z.55)

(This Section may contain text from a Public Act with a

delayed effective date)

Sec. 356z.55 ~~356z.53~~. Coverage for cleft lip and cleft palate.

(a) As used in this Section, "medically necessary care and treatment" to address congenital anomalies associated with a cleft lip or palate, or both, includes:

(1) oral and facial surgery, including reconstructive services and procedures necessary to improve and restore and maintain vital functions;

(2) prosthetic treatment such as obturators ~~obdurators~~, speech appliances, and feeding appliances;

(3) orthodontic treatment and management;

(4) prosthodontic treatment and management; and

(5) otolaryngology treatment and management.

"Medically necessary care and treatment" does not include cosmetic surgery performed to reshape normal structures of the lip, jaw, palate, or other facial structures to improve appearance.

(b) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed on or after January 1, 2024 (the effective date of Public Act 102-768) ~~this amendatory Act of the 102nd General Assembly~~ shall provide coverage for the medically necessary care and treatment of cleft lip and palate for children under the age of 19. Coverage for cleft lip and palate care and treatment may impose the same deductible, coinsurance, or other cost-sharing

limitation that is imposed on other related surgical benefits under the policy.

(c) This Section does not apply to a policy that covers only dental care.

(Source: P.A. 102-768, eff. 1-1-24; revised 7-25-22.)

(215 ILCS 5/356z.56)

Sec. 356z.56 ~~356z.53~~. Coverage for hormone therapy to treat menopause. A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2024 shall provide coverage for medically necessary hormone therapy treatment to treat menopause that has been induced by a hysterectomy.

(Source: P.A. 102-804, eff. 1-1-23; revised 12-29-22.)

(215 ILCS 5/356z.57)

Sec. 356z.57 ~~356z.53~~. Pediatric palliative care.

(a) A group or individual policy of accident and health insurance or a managed care plan amended, delivered, issued, or renewed on or after January 1, 2024 shall provide coverage for community-based pediatric palliative care and hospice care. This care shall be delivered to any qualifying child with a serious illness by a trained interdisciplinary team that allows a child to receive community-based pediatric palliative care and hospice care while continuing to pursue

curative treatment and disease-directed therapies for the qualifying illness.

(b) As used in this Section, "palliative care" and "serious illness" have the same meaning as set forth in the Pediatric Palliative Care Act.

(Source: P.A. 102-860, eff. 1-1-23; revised 12-29-22.)

(215 ILCS 5/356z.58)

Sec. 356z.58 ~~356z.53~~. Prenatal vitamins coverage. A group or individual policy of accident and health insurance that is amended, delivered, issued, or renewed on or after January 1, 2024 that provides coverage for prescription drugs shall provide coverage for prenatal vitamins when prescribed by a physician licensed to practice medicine in all of its branches or an advanced practice registered nurse licensed under the Nurse Practice Act.

(Source: P.A. 102-930, eff. 1-1-23; revised 12-29-22.)

(215 ILCS 5/356z.59)

Sec. 356z.59 ~~356z.53~~. Coverage for continuous glucose monitors. A group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2024 shall provide coverage for medically necessary continuous glucose monitors for individuals who are diagnosed with type 1 or type 2 diabetes and require insulin for the management of their

diabetes.

(Source: P.A. 102-1093, eff. 1-1-23; revised 12-29-22.)

(215 ILCS 5/364.01)

Sec. 364.01. Qualified clinical cancer trials.

(a) No individual or group policy of accident and health insurance issued or renewed in this State may be cancelled or non-renewed for any individual based on that individual's participation in a qualified clinical cancer trial.

(b) Qualified clinical cancer trials must meet the following criteria:

(1) the effectiveness of the treatment has not been determined relative to established therapies;

(2) the trial is under clinical investigation as part of an approved cancer research trial in Phase II, Phase III, or Phase IV of investigation;

(3) the trial is:

(A) approved by the Food and Drug Administration; or

(B) approved and funded by the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the United States Department of Defense, the United States Department of Veterans Affairs, or the United States Department of Energy in the form of an investigational new drug application, or a cooperative

group or center of any entity described in this subdivision (B); and

(4) the patient's primary care physician, if any, is involved in the coordination of care.

(c) No group policy of accident and health insurance shall exclude coverage for any routine patient care administered to an insured who is a qualified individual participating in a qualified clinical cancer trial, if the policy covers that same routine patient care of insureds not enrolled in a qualified clinical cancer trial.

(d) The coverage that may not be excluded under subsection (c) of this Section is subject to all terms, conditions, restrictions, exclusions, and limitations that apply to the same routine patient care received by an insured not enrolled in a qualified clinical cancer trial, including the application of any authorization requirement, utilization review, or medical management practices. The insured or enrollee shall incur no greater out-of-pocket liability than had the insured or enrollee not enrolled in a qualified clinical cancer trial.

(e) If the group policy of accident and health insurance uses a preferred provider program and a preferred provider provides routine patient care in connection with a qualified clinical cancer trial, then the insurer may require the insured to use the preferred provider if the preferred provider agrees to provide to the insured that routine patient

care.

(f) A qualified clinical cancer trial may not pay or refuse to pay for routine patient care of an individual participating in the trial, based in whole or in part on the person's having or not having coverage for routine patient care under a group policy of accident and health insurance.

(g) Nothing in this Section shall be construed to limit an insurer's coverage with respect to clinical trials.

(h) Nothing in this Section shall require coverage for out-of-network services where the underlying health benefit plan does not provide coverage for out-of-network services.

(i) As used in this Section, "routine patient care" means all health care services provided in the qualified clinical cancer trial that are otherwise generally covered under the policy if those items or services were not provided in connection with a qualified clinical cancer trial consistent with the standard of care for the treatment of cancer, including the type and frequency of any diagnostic modality, that a provider typically provides to a cancer patient who is not enrolled in a qualified clinical cancer trial. "Routine patient care" does not include, and a group policy of accident and health insurance may exclude, coverage for:

(1) a health care service, item, or drug that is the subject of the cancer clinical trial;

(2) a health care service, item, or drug provided solely to satisfy data collection and analysis needs for

the qualified clinical cancer trial that is not used in the direct clinical management of the patient;

(3) an investigational drug or device that has not been approved for market by the United States Food and Drug Administration;

(4) transportation, lodging, food, or other expenses for the patient or a family member or companion of the patient that are associated with the travel to or from a facility providing the qualified clinical cancer trial, unless the policy covers these expenses for a cancer patient who is not enrolled in a qualified clinical cancer trial;

(5) a health care service, item, or drug customarily provided by the qualified clinical cancer trial sponsors free of charge for any patient;

(6) a health care service or item, which except for the fact that it is being provided in a qualified clinical cancer trial, is otherwise specifically excluded from coverage under the insured's policy, including:

(A) costs of extra treatments, services, procedures, tests, or drugs that would not be performed or administered except for the fact that the insured is participating in the cancer clinical trial; and

(B) costs of nonhealth care services that the patient is required to receive as a result of

participation in the approved cancer clinical trial;

(7) costs for services, items, or drugs that are eligible for reimbursement from a source other than a patient's contract or policy providing for third-party payment or prepayment of health or medical expenses, including the sponsor of the approved cancer clinical trial;

(8) costs associated with approved cancer clinical trials designed exclusively to test toxicity or disease pathophysiology, unless the policy covers these expenses for a cancer patient who is not enrolled in a qualified clinical cancer trial; or

(9) a health care service or item that is eligible for reimbursement by a source other than the insured's policy, including the sponsor of the qualified clinical cancer trial.

The definitions of the terms "health care services", "Non-Preferred Provider", "Preferred Provider", and "Preferred Provider Program", stated in 50 Ill. ~~II~~ Adm. Code Part 2051 Preferred Provider Programs apply to these terms in this Section.

(j) The external review procedures established under the Health Carrier External Review Act shall apply to the provisions under this Section.

(Source: P.A. 97-91, eff. 1-1-12; 97-813, eff. 7-13-12; revised 3-16-22.)

(215 ILCS 5/513b1)

Sec. 513b1. Pharmacy benefit manager contracts.

(a) As used in this Section:

"340B drug discount program" means the program established under Section 340B of the federal Public Health Service Act, 42 U.S.C. 256b.

"340B entity" means a covered entity as defined in 42 U.S.C. 256b(a)(4) authorized to participate in the 340B drug discount program.

"340B pharmacy" means any pharmacy used to dispense 340B drugs for a covered entity, whether entity-owned or external.

"Biological product" has the meaning ascribed to that term in Section 19.5 of the Pharmacy Practice Act.

"Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a drug.

"Maximum allowable cost list" means a list of drugs for which a maximum allowable cost has been established by a pharmacy benefit manager.

"Pharmacy benefit manager" means a person, business, or entity, including a wholly or partially owned or controlled subsidiary of a pharmacy benefit manager, that provides claims processing services or other prescription drug or device services, or both, for health benefit plans.

"Retail price" means the price an individual without

prescription drug coverage would pay at a retail pharmacy, not including a pharmacist dispensing fee.

"Third-party payer" means any entity that pays for prescription drugs on behalf of a patient other than a health care provider or sponsor of a plan subject to regulation under Medicare Part D, 42 U.S.C. 1395w-101~~,~~ et seq.

(b) A contract between a health insurer and a pharmacy benefit manager must require that the pharmacy benefit manager:

(1) Update maximum allowable cost pricing information at least every 7 calendar days.

(2) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) Provide access to its maximum allowable cost list to each pharmacy or pharmacy services administrative organization subject to the maximum allowable cost list. Access may include a real-time pharmacy website portal to be able to view the maximum allowable cost list. As used in this Section, "pharmacy services administrative organization" means an entity operating within the State that contracts with independent pharmacies to conduct business on their behalf with third-party payers. A pharmacy services administrative organization may provide

administrative services to pharmacies and negotiate and enter into contracts with third-party payers or pharmacy benefit managers on behalf of pharmacies.

(4) Provide a process by which a contracted pharmacy can appeal the provider's reimbursement for a drug subject to maximum allowable cost pricing. The appeals process must, at a minimum, include the following:

(A) A requirement that a contracted pharmacy has 14 calendar days after the applicable fill date to appeal a maximum allowable cost if the reimbursement for the drug is less than the net amount that the network provider paid to the supplier of the drug.

(B) A requirement that a pharmacy benefit manager must respond to a challenge within 14 calendar days of the contracted pharmacy making the claim for which the appeal has been submitted.

(C) A telephone number and e-mail address or website to network providers, at which the provider can contact the pharmacy benefit manager to process and submit an appeal.

(D) A requirement that, if an appeal is denied, the pharmacy benefit manager must provide the reason for the denial and the name and the national drug code number from national or regional wholesalers.

(E) A requirement that, if an appeal is sustained, the pharmacy benefit manager must make an adjustment

in the drug price effective the date the challenge is resolved and make the adjustment applicable to all similarly situated network pharmacy providers, as determined by the managed care organization or pharmacy benefit manager.

(5) Allow a plan sponsor contracting with a pharmacy benefit manager an annual right to audit compliance with the terms of the contract by the pharmacy benefit manager, including, but not limited to, full disclosure of any and all rebate amounts secured, whether product specific or generalized rebates, that were provided to the pharmacy benefit manager by a pharmaceutical manufacturer.

(6) Allow a plan sponsor contracting with a pharmacy benefit manager to request that the pharmacy benefit manager disclose the actual amounts paid by the pharmacy benefit manager to the pharmacy.

(7) Provide notice to the party contracting with the pharmacy benefit manager of any consideration that the pharmacy benefit manager receives from the manufacturer for dispense as written prescriptions once a generic or biologically similar product becomes available.

(c) In order to place a particular prescription drug on a maximum allowable cost list, the pharmacy benefit manager must, at a minimum, ensure that:

(1) if the drug is a generically equivalent drug, it is listed as therapeutically equivalent and

pharmaceutically equivalent "A" or "B" rated in the United States Food and Drug Administration's most recent version of the "Orange Book" or have an NR or NA rating by Medi-Span, Gold Standard, or a similar rating by a nationally recognized reference;

(2) the drug is available for purchase by each pharmacy in the State from national or regional wholesalers operating in Illinois; and

(3) the drug is not obsolete.

(d) A pharmacy benefit manager is prohibited from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, if one is available in accordance with Section 42 of the Pharmacy Practice Act.

(e) A health insurer or pharmacy benefit manager shall not require an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(1) the applicable cost-sharing amount; or

(2) the retail price of the drug in the absence of prescription drug coverage.

(f) Unless required by law, a contract between a pharmacy benefit manager or third-party payer and a 340B entity or 340B pharmacy shall not contain any provision that:

(1) distinguishes between drugs purchased through the 340B drug discount program and other drugs when

determining reimbursement or reimbursement methodologies, or contains otherwise less favorable payment terms or reimbursement methodologies for 340B entities or 340B pharmacies when compared to similarly situated non-340B entities;

(2) imposes any fee, chargeback, or rate adjustment that is not similarly imposed on similarly situated pharmacies that are not 340B entities or 340B pharmacies;

(3) imposes any fee, chargeback, or rate adjustment that exceeds the fee, chargeback, or rate adjustment that is not similarly imposed on similarly situated pharmacies that are not 340B entities or 340B pharmacies;

(4) prevents or interferes with an individual's choice to receive a covered prescription drug from a 340B entity or 340B pharmacy through any legally permissible means, except that nothing in this paragraph shall prohibit the establishment of differing copayments or other cost-sharing amounts within the benefit plan for covered persons who acquire covered prescription drugs from a nonpreferred or nonparticipating provider;

(5) excludes a 340B entity or 340B pharmacy from a pharmacy network on any basis that includes consideration of whether the 340B entity or 340B pharmacy participates in the 340B drug discount program;

(6) prevents a 340B entity or 340B pharmacy from using a drug purchased under the 340B drug discount program; or

(7) any other provision that discriminates against a 340B entity or 340B pharmacy by treating the 340B entity or 340B pharmacy differently than non-340B entities or non-340B pharmacies for any reason relating to the entity's participation in the 340B drug discount program.

As used in this subsection, "pharmacy benefit manager" and "third-party payer" do not include pharmacy benefit managers and third-party payers acting on behalf of a Medicaid program.

(g) A violation of this Section by a pharmacy benefit manager constitutes an unfair or deceptive act or practice in the business of insurance under Section 424.

(h) A provision that violates subsection (f) in a contract between a pharmacy benefit manager or a third-party payer and a 340B entity that is entered into, amended, or renewed after July 1, 2022 shall be void and unenforceable.

(i) This Section applies to contracts entered into or renewed on or after July 1, 2022.

(j) This Section applies to any group or individual policy of accident and health insurance or managed care plan that provides coverage for prescription drugs and that is amended, delivered, issued, or renewed on or after July 1, 2020.

(Source: P.A. 101-452, eff. 1-1-20; 102-778, eff. 7-1-22; revised 8-19-22.)

Section 435. The Small Employer Health Insurance Rating Act is amended by changing Section 25 as follows:

(215 ILCS 93/25)

Sec. 25. Premium Rates.

(a) Premium rates for health benefit plans subject to this Act shall be subject to all of the following provisions:

(1) The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than 20%.

(2) For a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates that could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than 25% of the index rate.

(3) The percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(A) the percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate;

(B) an adjustment, not to exceed 15% annually and

adjusted pro rata for rating periods of less than one year, due to claim experience, health status, or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business; and

(C) any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the small employer carrier's rate manual for the class of business.

(4) Adjustments in rates for a new rating period due to claim experience, health status, and duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

(5) In the case of health benefit plans delivered or issued for delivery prior to the effective date of this Act, a premium rate for a rating period may exceed the ranges set forth in items (1) and (2) of this subsection (a) for a period of 3 years following the effective date of this Act. In such case, the percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(A) the percentage change in the new business premium rate measured from the first day of the prior

rating period to the first day of the new rating period; in the case of a class of business into which the small employer carrier is no longer enrolling new small employers ~~employes~~, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar class of business into which the small employer carrier is actively enrolling new small employers; and

(B) any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the carrier's rate manual for the class of business.

(6) Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

(7) For the purposes of this subsection, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restriction of benefits to network providers results in substantial differences in claim

costs.

(b) A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status, or duration of coverage since issue.

(Source: P.A. 91-510, eff. 1-1-00; revised 8-19-22.)

Section 440. The Health Maintenance Organization Act is amended by changing Sections 4.5-1 and 5-3 as follows:

(215 ILCS 125/4.5-1)

Sec. 4.5-1. Point-of-service health service contracts.

(a) A health maintenance organization that offers a point-of-service contract:

(1) must include as in-plan covered services all services required by law to be provided by a health maintenance organization;

(2) must provide incentives, which shall include financial incentives, for enrollees to use in-plan covered services;

(3) may not offer services out-of-plan without providing those services on an in-plan basis;

(4) may include annual out-of-pocket limits and lifetime maximum benefits allowances for out-of-plan services that are separate from any limits or allowances applied to in-plan services;

(5) may not consider emergency services, authorized referral services, or non-routine services obtained out of the service area to be point-of-service services;

(6) may treat as out-of-plan services those services that an enrollee obtains from a participating provider, but for which the proper authorization was not given by the health maintenance organization; and

(7) after January 1, 2003 (the effective date of Public Act 92-579) ~~this amendatory Act of the 92nd General Assembly~~, must include the following disclosure on its point-of-service contracts and evidences of coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that when you elect to utilize the services of a non-participating provider for a covered service in non-emergency situations, benefit payments to such non-participating provider are not based upon the amount billed. The basis of your benefit payment will be determined according to your policy's fee schedule, usual and customary charge (which is determined by comparing charges for similar services adjusted to the geographical area where the services are performed), or other method as

defined by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS REQUIRED PORTION. Non-participating providers may bill members for any amount up to the billed charge after the plan has paid its portion of the bill, except as provided in Section 356z.3a of the Illinois Insurance Code for covered services received at a participating health care facility from a non-participating provider that are: (a) ancillary services, (b) items or services furnished as a result of unforeseen, urgent medical needs that arise at the time the item or service is furnished, or (c) items or services received when the facility or the non-participating provider fails to satisfy the notice and consent criteria specified under Section 356z.3a. Participating providers have agreed to accept discounted payments for services with no additional billing to the member other than co-insurance and deductible amounts. You may obtain further information about the participating status of professional providers and information on out-of-pocket expenses by calling the toll free telephone number on your identification card.".

(b) A health maintenance organization offering a point-of-service contract is subject to all of the following limitations:

(1) The health maintenance organization may not expend in any calendar quarter more than 20% of its total

expenditures for all its members for out-of-plan covered services.

(2) If the amount specified in item (1) of this subsection is exceeded by 2% in a quarter, the health maintenance organization must effect compliance with item (1) of this subsection by the end of the following quarter.

(3) If compliance with the amount specified in item (1) of this subsection is not demonstrated in the health maintenance organization's next quarterly report, the health maintenance organization may not offer the point-of-service contract to new groups or include the point-of-service option in the renewal of an existing group until compliance with the amount specified in item (1) of this subsection is demonstrated or until otherwise allowed by the Director.

(4) A health maintenance organization failing, without just cause, to comply with the provisions of this subsection shall be required, after notice and hearing, to pay a penalty of $250 for each day out of compliance, to be recovered by the Director. Any penalty recovered shall be paid into the General Revenue Fund. The Director may reduce the penalty if the health maintenance organization demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the health maintenance organization.

(c) A health maintenance organization that offers a point-of-service product must do all of the following:

(1) File a quarterly financial statement detailing compliance with the requirements of subsection (b).

(2) Track out-of-plan, point-of-service utilization separately from in-plan or non-point-of-service, out-of-plan emergency care, referral care, and urgent care out of the service area utilization.

(3) Record out-of-plan utilization in a manner that will permit such utilization and cost reporting as the Director may, by rule, require.

(4) Demonstrate to the Director's satisfaction that the health maintenance organization has the fiscal, administrative, and marketing capacity to control its point-of-service enrollment, utilization, and costs so as not to jeopardize the financial security of the health maintenance organization.

(5) Maintain, in addition to any other deposit required under this Act, the deposit required by Section 2-6.

(6) Maintain cash and cash equivalents of sufficient amount to fully liquidate 10 days' average claim payments, subject to review by the Director.

(7) Maintain and file with the Director, reinsurance coverage protecting against catastrophic losses on out-of-network ~~out of network~~ point-of-service services.

Deductibles may not exceed $100,000 per covered life per year, and the portion of risk retained by the health maintenance organization once deductibles have been satisfied may not exceed 20%. Reinsurance must be placed with licensed authorized reinsurers qualified to do business in this State.

(d) A health maintenance organization may not issue a point-of-service contract until it has filed and had approved by the Director a plan to comply with the provisions of this Section. The compliance plan must, at a minimum, include provisions demonstrating that the health maintenance organization will do all of the following:

(1) Design the benefit levels and conditions of coverage for in-plan covered services and out-of-plan covered services as required by this Article.

(2) Provide or arrange for the provision of adequate systems to:

(A) process and pay claims for all out-of-plan covered services;

(B) meet the requirements for point-of-service contracts set forth in this Section and any additional requirements that may be set forth by the Director; and

(C) generate accurate data and financial and regulatory reports on a timely basis so that the Department of Insurance can evaluate the health

maintenance organization's experience with the point-of-service contract and monitor compliance with point-of-service contract provisions.

(3) Comply with the requirements of subsections (b) and (c).

(Source: P.A. 102-901, eff. 1-1-23; revised 12-9-22.)

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 355.3, 355b, 355c, 356g.5-1, 356m, 356q, 356v, 356w, 356x, 356y, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33, 356z.35, 356z.36, 356z.40, 356z.41, 356z.46, 356z.47, 356z.48, 356z.50, 356z.51, 356z.53 ~~256z.53~~, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, 364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other

acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and

to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance

Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance

Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(g) Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19; 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-34, eff. 6-25-21; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff. 1-1-23; 102-1117, eff. 1-13-23; revised 1-22-23.)

Section 445. The Managed Care Reform and Patient Rights Act is amended by changing Sections 15 and 45.1 as follows:

(215 ILCS 134/15)

Sec. 15. Provision of information.

(a) A health care plan shall provide annually to enrollees

and prospective enrollees, upon request, a complete list of participating health care providers in the health care plan's service area and a description of the following terms of coverage:

(1) the service area;

(2) the covered benefits and services with all exclusions, exceptions, and limitations;

(3) the pre-certification and other utilization review procedures and requirements;

(4) a description of the process for the selection of a primary care physician, any limitation on access to specialists, and the plan's standing referral policy;

(5) the emergency coverage and benefits, including any restrictions on emergency care services;

(6) the out-of-area coverage and benefits, if any;

(7) the enrollee's financial responsibility for copayments, deductibles, premiums, and any other out-of-pocket expenses;

(8) the provisions for continuity of treatment in the event a health care provider's participation terminates during the course of an enrollee's treatment by that provider;

(9) the appeals process, forms, and time frames for health care services appeals, complaints, and external independent reviews, administrative complaints, and utilization review complaints, including a phone number to

call to receive more information from the health care plan concerning the appeals process; and

(10) a statement of all basic health care services and all specific benefits and services mandated to be provided to enrollees by any State law or administrative rule.

(a-5) Without limiting the generality of subsection (a) of this Section, no qualified health plans shall be offered for sale directly to consumers through the health insurance marketplace operating in the State in accordance with Sections 1311 and 1321 of the federal Patient Protection and Affordable Care Act ~~of 2010~~ (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments thereto, or regulations or guidance issued thereunder (collectively, "the Federal Act"), unless, in addition to the information required under subsection (a) of this Section, the following information is available to the consumer at the time he or she is comparing health care plans and their premiums:

(1) With respect to prescription drug benefits, the most recently published formulary where a consumer can view in one location covered prescription drugs; information on tiering and the cost-sharing structure for each tier; and information about how a consumer can obtain specific copayment amounts or coinsurance percentages for a specific qualified health plan before enrolling in that plan. This information shall clearly identify the

qualified health plan to which it applies.

(2) The most recently published provider directory where a consumer can view the provider network that applies to each qualified health plan and information about each provider, including location, contact information, specialty, medical group, if any, any institutional affiliation, and whether the provider is accepting new patients. The information shall clearly identify the qualified health plan to which it applies.

In the event of an inconsistency between any separate written disclosure statement and the enrollee contract or certificate, the terms of the enrollee contract or certificate shall control.

(b) Upon written request, a health care plan shall provide to enrollees a description of the financial relationships between the health care plan and any health care provider and, if requested, the percentage of copayments, deductibles, and total premiums spent on healthcare related expenses and the percentage of copayments, deductibles, and total premiums spent on other expenses, including administrative expenses, except that no health care plan shall be required to disclose specific provider reimbursement.

(c) A participating health care provider shall provide all of the following, where applicable, to enrollees upon request:

(1) Information related to the health care provider's educational background, experience, training, specialty,

and board certification, if applicable.

(2) The names of licensed facilities on the provider panel where the health care provider presently has privileges for the treatment, illness, or procedure that is the subject of the request.

(3) Information regarding the health care provider's participation in continuing education programs and compliance with any licensure, certification, or registration requirements, if applicable.

(d) A health care plan shall provide the information required to be disclosed under this Act upon enrollment and annually thereafter in a legible and understandable format. The Department shall promulgate rules to establish the format based, to the extent practical, on the standards developed for supplemental insurance coverage under Title XVIII of the federal Social Security Act as a guide, so that a person can compare the attributes of the various health care plans.

(e) The written disclosure requirements of this Section may be met by disclosure to one enrollee in a household.

(f) Each issuer of qualified health plans for sale directly to consumers through the health insurance marketplace operating in the State shall make the information described in subsection (a) of this Section, for each qualified health plan that it offers, available and accessible to the general public on the company's Internet website and through other means for individuals without access to the Internet.

(g) The Department shall ensure that State-operated Internet websites, in addition to the Internet website for the health insurance marketplace established in this State in accordance with the Federal Act and its implementing regulations, prominently provide links to Internet-based materials and tools to help consumers be informed purchasers of health care plans.

(h) Nothing in this Section shall be interpreted or implemented in a manner not consistent with the Federal Act. This Section shall apply to all qualified health plans offered for sale directly to consumers through the health insurance marketplace operating in this State for any coverage year beginning on or after January 1, 2015.

(Source: P.A. 98-1035, eff. 8-25-14; revised 6-2-22.)

(215 ILCS 134/45.1)

Sec. 45.1. Medical exceptions procedures required.

(a) Notwithstanding any other provision of law, on or after January 1, 2018 (the effective date of Public Act 99-761) ~~this amendatory Act of the 99th General Assembly~~, every insurer licensed in this State to sell a policy of group or individual accident and health insurance or a health benefits plan shall establish and maintain a medical exceptions process that allows covered persons or their authorized representatives to request any clinically appropriate prescription drug when (1) the drug is not covered

based on the health benefit plan's formulary; (2) the health benefit plan is discontinuing coverage of the drug on the plan's formulary for reasons other than safety or other than because the prescription drug has been withdrawn from the market by the drug's manufacturer; (3) the prescription drug alternatives required to be used in accordance with a step therapy requirement (A) has been ineffective in the treatment of the enrollee's disease or medical condition or, based on both sound clinical evidence and medical and scientific evidence, the known relevant physical or mental characteristics of the enrollee, and the known characteristics of the drug regimen, is likely to be ineffective or adversely affect the drug's effectiveness or patient compliance or (B) has caused or, based on sound medical evidence, is likely to cause an adverse reaction or harm to the enrollee; or (4) the number of doses available under a dose restriction for the prescription drug (A) has been ineffective in the treatment of the enrollee's disease or medical condition or (B) based on both sound clinical evidence and medical and scientific evidence, the known relevant physical and mental characteristics of the enrollee, and known characteristics of the drug regimen, is likely to be ineffective or adversely affect the drug's effective or patient compliance.

(b) The health carrier's established medical exceptions procedures must require, at a minimum, the following:

(1) Any request for approval of coverage made verbally

or in writing (regardless of whether made using a paper or electronic form or some other writing) at any time shall be reviewed by appropriate health care professionals.

(2) The health carrier must, within 72 hours after receipt of a request made under subsection (a) of this Section, either approve or deny the request. In the case of a denial, the health carrier shall provide the covered person or the covered person's authorized representative and the covered person's prescribing provider with the reason for the denial, an alternative covered medication, if applicable, and information regarding the procedure for submitting an appeal to the denial.

(3) In the case of an expedited coverage determination, the health carrier must either approve or deny the request within 24 hours after receipt of the request. In the case of a denial, the health carrier shall provide the covered person or the covered person's authorized representative and the covered person's prescribing provider with the reason for the denial, an alternative covered medication, if applicable, and information regarding the procedure for submitting an appeal to the denial.

(c) A step therapy requirement exception request shall be approved if:

(1) the required prescription drug is contraindicated;

(2) the patient has tried the required prescription

drug while under the patient's current or previous health insurance or health benefit plan and the prescribing provider submits evidence of failure or intolerance; or

(3) the patient is stable on a prescription drug selected by his or her health care provider for the medical condition under consideration while on a current or previous health insurance or health benefit plan.

(d) Upon the granting of an exception request, the insurer, health plan, utilization review organization, or other entity shall authorize the coverage for the drug prescribed by the enrollee's treating health care provider, to the extent the prescribed drug is a covered drug under the policy or contract up to the quantity covered.

(e) Any approval of a medical exception request made pursuant to this Section shall be honored for 12 months following the date of the approval or until renewal of the plan.

(f) Notwithstanding any other provision of this Section, nothing in this Section shall be interpreted or implemented in a manner not consistent with the federal Patient Protection and Affordable Care Act ~~of 2010~~ (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments thereto, or regulations or guidance issued under those Acts.

(g) Nothing in this Section shall require or authorize the

State agency responsible for the administration of the medical assistance program established under the Illinois Public Aid Code to approve, supply, or cover prescription drugs pursuant to the procedure established in this Section.

(Source: P.A. 98-1035, eff. 8-25-14; 99-761, eff. 1-1-18; revised 6-6-22.)

Section 450. The Viatical Settlements Act of 2009 is amended by changing Section 20 as follows:

(215 ILCS 159/20)

Sec. 20. Approval of viatical settlement contracts and disclosure statements. A person shall not use a viatical settlement contract form or provide to a viator a disclosure statement form in this State unless first filed with and approved by the Director. The Director shall disapprove a viatical settlement contract form or disclosure statement form if, in the Director's opinion, the contract or provisions contained therein fail to meet the requirements of this Act or are unreasonable, contrary to the interests of the public, or otherwise misleading or unfair to the viator. At the Director's discretion, the Director may require the submission of advertising material. If the Director disapproves a viatical settlement contract form or disclosure statement form, then the Director shall notify the viatical settlement provider and advise the viatical settlement provider, in

writing, of the reason for the disapproval. The viatical settlement provider may make written demand upon the Director within 30 days after the date of mailing for a hearing before the Director to determine the reasonableness of the Director's action. The hearing must be held within not fewer than 20 days nor more than 30 days after the mailing of the notice of hearing and shall be held in accordance with the Illinois Administrative Procedure Act and 50 Ill. Adm. ~~Admin.~~ Code 2402.

(Source: P.A. 96-736, eff. 7-1-10; revised 2-28-22.)

Section 455. The Public Utilities Act is amended by changing Sections 7-213, 8-103B, 8-201.4, 14-102, 14-103, 14-104, and 16-108.5 as follows:

(220 ILCS 5/7-213)

Sec. 7-213. Limitations on the transfer of water systems.

(a) In the event of a sale, purchase, or any other transfer of ownership, including, without limitation, the acquisition by eminent domain, of a water system, as defined under Section 11-124-5 ~~11-124-10~~ of the Illinois Municipal Code, operated by a privately held public water utility, the water utility's contract or agreements with the acquiring entity (or, in the case of an eminent domain action, the court order) must require that the acquiring entity hire a sufficient number of non-supervisory employees to operate and maintain the water

system by initially making offers of employment to the non-supervisory workforce of the water system at no less than the wage rates, and substantially equivalent fringe benefits and terms and conditions of employment that are in effect at the time of transfer of ownership of the water system. The wage rates and substantially equivalent fringe benefits and terms and conditions of employment must continue for at least 30 months after the time of the transfer of ownership unless the parties mutually agree to different terms and conditions of employment within that 30-month period.

(b) The privately held public water utility shall offer a transition plan to those employees who are not offered jobs by the acquiring entity because that entity has a need for fewer workers. The transition plan shall mitigate employee job losses to the extent practical through such means as offers of voluntary severance, retraining, early retirement, out placement, or related benefits. Before any reduction in the workforce during a water system transaction, the privately held public water utility shall present to the employees, or their representatives, a transition plan outlining the means by which the utility intends to mitigate the impact of the workforce reduction of its employees.

(Source: P.A. 94-1007, eff. 1-1-07; revised 8-22-22.)

(220 ILCS 5/8-103B)

Sec. 8-103B. Energy efficiency and demand-response

measures.

(a) It is the policy of the State that electric utilities are required to use cost-effective energy efficiency and demand-response measures to reduce delivery load. Requiring investment in cost-effective energy efficiency and demand-response measures will reduce direct and indirect costs to consumers by decreasing environmental impacts and by avoiding or delaying the need for new generation, transmission, and distribution infrastructure. It serves the public interest to allow electric utilities to recover costs for reasonably and prudently incurred expenditures for energy efficiency and demand-response measures. As used in this Section, "cost-effective" means that the measures satisfy the total resource cost test. The low-income measures described in subsection (c) of this Section shall not be required to meet the total resource cost test. For purposes of this Section, the terms "energy-efficiency", "demand-response", "electric utility", and "total resource cost test" have the meanings set forth in the Illinois Power Agency Act. "Black, indigenous, and people of color" and "BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

(a-5) This Section applies to electric utilities serving more than 500,000 retail customers in the State for those

multi-year plans commencing after December 31, 2017.

(b) For purposes of this Section, electric utilities subject to this Section that serve more than 3,000,000 retail customers in the State shall be deemed to have achieved a cumulative persisting annual savings of 6.6% from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, which percent is based on the deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015, and 2016 of 88,000,000 MWhs. For the purposes of this subsection (b) and subsection (b-5), the 88,000,000 MWhs of deemed electric power and energy sales shall be reduced by the number of MWhs equal to the sum of the annual consumption of customers that have opted out of subsections (a) through (j) of this Section under paragraph (1) of subsection (l) of this Section, as averaged across the calendar years 2014, 2015, and 2016. After 2017, the deemed value of cumulative persisting annual savings from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, shall be reduced each year, as follows, and the applicable value shall be applied to and count toward the utility's achievement of the cumulative persisting annual savings goals set forth in subsection (b-5):

(1) 5.8% deemed cumulative persisting annual savings for the year ending December 31, 2018;

(2) 5.2% deemed cumulative persisting annual savings

for the year ending December 31, 2019;

(3) 4.5% deemed cumulative persisting annual savings for the year ending December 31, 2020;

(4) 4.0% deemed cumulative persisting annual savings for the year ending December 31, 2021;

(5) 3.5% deemed cumulative persisting annual savings for the year ending December 31, 2022;

(6) 3.1% deemed cumulative persisting annual savings for the year ending December 31, 2023;

(7) 2.8% deemed cumulative persisting annual savings for the year ending December 31, 2024;

(8) 2.5% deemed cumulative persisting annual savings for the year ending December 31, 2025;

(9) 2.3% deemed cumulative persisting annual savings for the year ending December 31, 2026;

(10) 2.1% deemed cumulative persisting annual savings for the year ending December 31, 2027;

(11) 1.8% deemed cumulative persisting annual savings for the year ending December 31, 2028;

(12) 1.7% deemed cumulative persisting annual savings for the year ending December 31, 2029;

(13) 1.5% deemed cumulative persisting annual savings for the year ending December 31, 2030;

(14) 1.3% deemed cumulative persisting annual savings for the year ending December 31, 2031;

(15) 1.1% deemed cumulative persisting annual savings

for the year ending December 31, 2032;

(16) 0.9% deemed cumulative persisting annual savings for the year ending December 31, 2033;

(17) 0.7% deemed cumulative persisting annual savings for the year ending December 31, 2034;

(18) 0.5% deemed cumulative persisting annual savings for the year ending December 31, 2035;

(19) 0.4% deemed cumulative persisting annual savings for the year ending December 31, 2036;

(20) 0.3% deemed cumulative persisting annual savings for the year ending December 31, 2037;

(21) 0.2% deemed cumulative persisting annual savings for the year ending December 31, 2038;

(22) 0.1% deemed cumulative persisting annual savings for the year ending December 31, 2039; and

(23) 0.0% deemed cumulative persisting annual savings for the year ending December 31, 2040 and all subsequent years.

For purposes of this Section, "cumulative persisting annual savings" means the total electric energy savings in a given year from measures installed in that year or in previous years, but no earlier than January 1, 2012, that are still operational and providing savings in that year because the measures have not yet reached the end of their useful lives.

(b-5) Beginning in 2018, electric utilities subject to this Section that serve more than 3,000,000 retail customers

in the State shall achieve the following cumulative persisting annual savings goals, as modified by subsection (f) of this Section and as compared to the deemed baseline of 88,000,000 MWhs of electric power and energy sales set forth in subsection (b), as reduced by the number of MWhs equal to the sum of the annual consumption of customers that have opted out of subsections (a) through (j) of this Section under paragraph (1) of subsection (l) of this Section as averaged across the calendar years 2014, 2015, and 2016, through the implementation of energy efficiency measures during the applicable year and in prior years, but no earlier than January 1, 2012:

(1) 7.8% cumulative persisting annual savings for the year ending December 31, 2018;

(2) 9.1% cumulative persisting annual savings for the year ending December 31, 2019;

(3) 10.4% cumulative persisting annual savings for the year ending December 31, 2020;

(4) 11.8% cumulative persisting annual savings for the year ending December 31, 2021;

(5) 13.1% cumulative persisting annual savings for the year ending December 31, 2022;

(6) 14.4% cumulative persisting annual savings for the year ending December 31, 2023;

(7) 15.7% cumulative persisting annual savings for the year ending December 31, 2024;

(8) 17% cumulative persisting annual savings for the year ending December 31, 2025;

(9) 17.9% cumulative persisting annual savings for the year ending December 31, 2026;

(10) 18.8% cumulative persisting annual savings for the year ending December 31, 2027;

(11) 19.7% cumulative persisting annual savings for the year ending December 31, 2028;

(12) 20.6% cumulative persisting annual savings for the year ending December 31, 2029; and

(13) 21.5% cumulative persisting annual savings for the year ending December 31, 2030.

No later than December 31, 2021, the Illinois Commerce Commission shall establish additional cumulative persisting annual savings goals for the years 2031 through 2035. No later than December 31, 2024, the Illinois Commerce Commission shall establish additional cumulative persisting annual savings goals for the years 2036 through 2040. The Commission shall also establish additional cumulative persisting annual savings goals every 5 years thereafter to ensure that utilities always have goals that extend at least 11 years into the future. The cumulative persisting annual savings goals beyond the year 2030 shall increase by 0.9 percentage points per year, absent a Commission decision to initiate a proceeding to consider establishing goals that increase by more or less than that amount. Such a proceeding must be conducted in accordance with

the procedures described in subsection (f) of this Section. If such a proceeding is initiated, the cumulative persisting annual savings goals established by the Commission through that proceeding shall reflect the Commission's best estimate of the maximum amount of additional savings that are forecast to be cost-effectively achievable unless such best estimates would result in goals that represent less than 0.5 percentage point annual increases in total cumulative persisting annual savings. The Commission may only establish goals that represent less than 0.5 percentage point annual increases in cumulative persisting annual savings if it can demonstrate, based on clear and convincing evidence and through independent analysis, that 0.5 percentage point increases are not cost-effectively achievable. The Commission shall inform its decision based on an energy efficiency potential study that conforms to the requirements of this Section.

(b-10) For purposes of this Section, electric utilities subject to this Section that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall be deemed to have achieved a cumulative persisting annual savings of 6.6% from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, which is based on the deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs. For the purposes of this subsection (b-10) and subsection

(b-15), the 36,900,000 MWhs of deemed electric power and energy sales shall be reduced by the number of MWhs equal to the sum of the annual consumption of customers that have opted out of subsections (a) through (j) of this Section under paragraph (1) of subsection (l) of this Section, as averaged across the calendar years 2014, 2015, and 2016. After 2017, the deemed value of cumulative persisting annual savings from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, shall be reduced each year, as follows, and the applicable value shall be applied to and count toward the utility's achievement of the cumulative persisting annual savings goals set forth in subsection (b-15):

(1) 5.8% deemed cumulative persisting annual savings for the year ending December 31, 2018;

(2) 5.2% deemed cumulative persisting annual savings for the year ending December 31, 2019;

(3) 4.5% deemed cumulative persisting annual savings for the year ending December 31, 2020;

(4) 4.0% deemed cumulative persisting annual savings for the year ending December 31, 2021;

(5) 3.5% deemed cumulative persisting annual savings for the year ending December 31, 2022;

(6) 3.1% deemed cumulative persisting annual savings for the year ending December 31, 2023;

(7) 2.8% deemed cumulative persisting annual savings

for the year ending December 31, 2024;

(8) 2.5% deemed cumulative persisting annual savings for the year ending December 31, 2025;

(9) 2.3% deemed cumulative persisting annual savings for the year ending December 31, 2026;

(10) 2.1% deemed cumulative persisting annual savings for the year ending December 31, 2027;

(11) 1.8% deemed cumulative persisting annual savings for the year ending December 31, 2028;

(12) 1.7% deemed cumulative persisting annual savings for the year ending December 31, 2029;

(13) 1.5% deemed cumulative persisting annual savings for the year ending December 31, 2030;

(14) 1.3% deemed cumulative persisting annual savings for the year ending December 31, 2031;

(15) 1.1% deemed cumulative persisting annual savings for the year ending December 31, 2032;

(16) 0.9% deemed cumulative persisting annual savings for the year ending December 31, 2033;

(17) 0.7% deemed cumulative persisting annual savings for the year ending December 31, 2034;

(18) 0.5% deemed cumulative persisting annual savings for the year ending December 31, 2035;

(19) 0.4% deemed cumulative persisting annual savings for the year ending December 31, 2036;

(20) 0.3% deemed cumulative persisting annual savings

for the year ending December 31, 2037;

(21) 0.2% deemed cumulative persisting annual savings for the year ending December 31, 2038;

(22) 0.1% deemed cumulative persisting annual savings for the year ending December 31, 2039; and

(23) 0.0% deemed cumulative persisting annual savings for the year ending December 31, 2040 and all subsequent years.

(b-15) Beginning in 2018, electric utilities subject to this Section that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall achieve the following cumulative persisting annual savings goals, as modified by subsection (b-20) and subsection (f) of this Section and as compared to the deemed baseline as reduced by the number of MWhs equal to the sum of the annual consumption of customers that have opted out of subsections (a) through (j) of this Section under paragraph (1) of subsection (l) of this Section as averaged across the calendar years 2014, 2015, and 2016, through the implementation of energy efficiency measures during the applicable year and in prior years, but no earlier than January 1, 2012:

(1) 7.4% cumulative persisting annual savings for the year ending December 31, 2018;

(2) 8.2% cumulative persisting annual savings for the year ending December 31, 2019;

(3) 9.0% cumulative persisting annual savings for the

year ending December 31, 2020;

(4) 9.8% cumulative persisting annual savings for the year ending December 31, 2021;

(5) 10.6% cumulative persisting annual savings for the year ending December 31, 2022;

(6) 11.4% cumulative persisting annual savings for the year ending December 31, 2023;

(7) 12.2% cumulative persisting annual savings for the year ending December 31, 2024;

(8) 13% cumulative persisting annual savings for the year ending December 31, 2025;

(9) 13.6% cumulative persisting annual savings for the year ending December 31, 2026;

(10) 14.2% cumulative persisting annual savings for the year ending December 31, 2027;

(11) 14.8% cumulative persisting annual savings for the year ending December 31, 2028;

(12) 15.4% cumulative persisting annual savings for the year ending December 31, 2029; and

(13) 16% cumulative persisting annual savings for the year ending December 31, 2030.

No later than December 31, 2021, the Illinois Commerce Commission shall establish additional cumulative persisting annual savings goals for the years 2031 through 2035. No later than December 31, 2024, the Illinois Commerce Commission shall establish additional cumulative persisting annual savings

goals for the years 2036 through 2040. The Commission shall also establish additional cumulative persisting annual savings goals every 5 years thereafter to ensure that utilities always have goals that extend at least 11 years into the future. The cumulative persisting annual savings goals beyond the year 2030 shall increase by 0.6 percentage points per year, absent a Commission decision to initiate a proceeding to consider establishing goals that increase by more or less than that amount. Such a proceeding must be conducted in accordance with the procedures described in subsection (f) of this Section. If such a proceeding is initiated, the cumulative persisting annual savings goals established by the Commission through that proceeding shall reflect the Commission's best estimate of the maximum amount of additional savings that are forecast to be cost-effectively achievable unless such best estimates would result in goals that represent less than 0.4 percentage point annual increases in total cumulative persisting annual savings. The Commission may only establish goals that represent less than 0.4 percentage point annual increases in cumulative persisting annual savings if it can demonstrate, based on clear and convincing evidence and through independent analysis, that 0.4 percentage point increases are not cost-effectively achievable. The Commission shall inform its decision based on an energy efficiency potential study that conforms to the requirements of this Section.

(b-20) Each electric utility subject to this Section may

include cost-effective voltage optimization measures in its plans submitted under subsections (f) and (g) of this Section, and the costs incurred by a utility to implement the measures under a Commission-approved plan shall be recovered under the provisions of Article IX or Section 16-108.5 of this Act. For purposes of this Section, the measure life of voltage optimization measures shall be 15 years. The measure life period is independent of the depreciation rate of the voltage optimization assets deployed. Utilities may claim savings from voltage optimization on circuits for more than 15 years if they can demonstrate that they have made additional investments necessary to enable voltage optimization savings to continue beyond 15 years. Such demonstrations must be subject to the review of independent evaluation.

Within 270 days after June 1, 2017 (the effective date of Public Act 99-906), an electric utility that serves less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall file a plan with the Commission that identifies the cost-effective voltage optimization investment the electric utility plans to undertake through December 31, 2024. The Commission, after notice and hearing, shall approve or approve with modification the plan within 120 days after the plan's filing and, in the order approving or approving with modification the plan, the Commission shall adjust the applicable cumulative persisting annual savings goals set forth in subsection (b-15) to reflect any amount of

cost-effective energy savings approved by the Commission that is greater than or less than the following cumulative persisting annual savings values attributable to voltage optimization for the applicable year:

(1) 0.0% of cumulative persisting annual savings for the year ending December 31, 2018;

(2) 0.17% of cumulative persisting annual savings for the year ending December 31, 2019;

(3) 0.17% of cumulative persisting annual savings for the year ending December 31, 2020;

(4) 0.33% of cumulative persisting annual savings for the year ending December 31, 2021;

(5) 0.5% of cumulative persisting annual savings for the year ending December 31, 2022;

(6) 0.67% of cumulative persisting annual savings for the year ending December 31, 2023;

(7) 0.83% of cumulative persisting annual savings for the year ending December 31, 2024; and

(8) 1.0% of cumulative persisting annual savings for the year ending December 31, 2025 and all subsequent years.

(b-25) In the event an electric utility jointly offers an energy efficiency measure or program with a gas utility under plans approved under this Section and Section 8-104 of this Act, the electric utility may continue offering the program, including the gas energy efficiency measures, in the event the

gas utility discontinues funding the program. In that event, the energy savings value associated with such other fuels shall be converted to electric energy savings on an equivalent Btu basis for the premises. However, the electric utility shall prioritize programs for low-income residential customers to the extent practicable. An electric utility may recover the costs of offering the gas energy efficiency measures under this subsection (b-25).

For those energy efficiency measures or programs that save both electricity and other fuels but are not jointly offered with a gas utility under plans approved under this Section and Section 8-104 or not offered with an affiliated gas utility under paragraph (6) of subsection (f) of Section 8-104 of this Act, the electric utility may count savings of fuels other than electricity toward the achievement of its annual savings goal, and the energy savings value associated with such other fuels shall be converted to electric energy savings on an equivalent Btu basis at the premises.

In no event shall more than 10% of each year's applicable annual total savings requirement as defined in paragraph (7.5) of subsection (g) of this Section be met through savings of fuels other than electricity.

(b-27) Beginning in 2022, an electric utility may offer and promote measures that electrify space heating, water heating, cooling, drying, cooking, industrial processes, and other building and industrial end uses that would otherwise be

served by combustion of fossil fuel at the premises, provided that the electrification measures reduce total energy consumption at the premises. The electric utility may count the reduction in energy consumption at the premises toward achievement of its annual savings goals. The reduction in energy consumption at the premises shall be calculated as the difference between: (A) the reduction in Btu consumption of fossil fuels as a result of electrification, converted to kilowatt-hour equivalents by dividing by 3,412 Btus ~~Btu's~~ per kilowatt hour; and (B) the increase in kilowatt hours of electricity consumption resulting from the displacement of fossil fuel consumption as a result of electrification. An electric utility may recover the costs of offering and promoting electrification measures under this subsection (b-27).

In no event shall electrification savings counted toward each year's applicable annual total savings requirement, as defined in paragraph (7.5) of subsection (g) of this Section, be greater than:

(1) 5% per year for each year from 2022 through 2025;

(2) 10% per year for each year from 2026 through 2029; and

(3) 15% per year for 2030 and all subsequent years.

In addition, a minimum of 25% of all electrification savings counted toward a utility's applicable annual total savings requirement must be from electrification of end uses in

low-income housing. The limitations on electrification savings that may be counted toward a utility's annual savings goals are separate from and in addition to the subsection (b-25) limitations governing the counting of the other fuel savings resulting from efficiency measures and programs.

As part of the annual informational filing to the Commission that is required under paragraph (9) of subsection (g) of this Section, each utility shall identify the specific electrification measures offered under this subsection ~~subjection~~ (b-27); the quantity of each electrification measure that was installed by its customers; the average total cost, average utility cost, average reduction in fossil fuel consumption, and average increase in electricity consumption associated with each electrification measure; the portion of installations of each electrification measure that were in low-income single-family housing, low-income multifamily housing, non-low-income single-family housing, non-low-income multifamily housing, commercial buildings, and industrial facilities; and the quantity of savings associated with each measure category in each customer category that are being counted toward the utility's applicable annual total savings requirement. Prior to installing an electrification measure, the utility shall provide a customer with an estimate of the impact of the new measure on the customer's average monthly electric bill and total annual energy expenses.

(c) Electric utilities shall be responsible for overseeing

the design, development, and filing of energy efficiency plans with the Commission and may, as part of that implementation, outsource various aspects of program development and implementation. A minimum of 10%, for electric utilities that serve more than 3,000,000 retail customers in the State, and a minimum of 7%, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, of the utility's entire portfolio funding level for a given year shall be used to procure cost-effective energy efficiency measures from units of local government, municipal corporations, school districts, public housing, and community college districts, provided that a minimum percentage of available funds shall be used to procure energy efficiency from public housing, which percentage shall be equal to public housing's share of public building energy consumption.

The utilities shall also implement energy efficiency measures targeted at low-income households, which, for purposes of this Section, shall be defined as households at or below 80% of area median income, and expenditures to implement the measures shall be no less than $40,000,000 per year for electric utilities that serve more than 3,000,000 retail customers in the State and no less than $13,000,000 per year for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State. The ratio of spending on efficiency programs targeted at

low-income multifamily buildings to spending on efficiency programs targeted at low-income single-family buildings shall be designed to achieve levels of savings from each building type that are approximately proportional to the magnitude of cost-effective lifetime savings potential in each building type. Investment in low-income whole-building weatherization programs shall constitute a minimum of 80% of a utility's total budget specifically dedicated to serving low-income customers.

The utilities shall work to bundle low-income energy efficiency offerings with other programs that serve low-income households to maximize the benefits going to these households. The utilities shall market and implement low-income energy efficiency programs in coordination with low-income assistance programs, the Illinois Solar for All Program, and weatherization whenever practicable. The program implementer shall walk the customer through the enrollment process for any programs for which the customer is eligible. The utilities shall also pilot targeting customers with high arrearages, high energy intensity (ratio of energy usage divided by home or unit square footage), or energy assistance programs with energy efficiency offerings, and then track reduction in arrearages as a result of the targeting. This targeting and bundling of low-income energy programs shall be offered to both low-income single-family and multifamily customers (owners and residents).

The utilities shall invest in health and safety measures appropriate and necessary for comprehensively weatherizing a home or multifamily building, and shall implement a health and safety fund of at least 15% of the total income-qualified weatherization budget that shall be used for the purpose of making grants for technical assistance, construction, reconstruction, improvement, or repair of buildings to facilitate their participation in the energy efficiency programs targeted at low-income single-family and multifamily households. These funds may also be used for the purpose of making grants for technical assistance, construction, reconstruction, improvement, or repair of the following buildings to facilitate their participation in the energy efficiency programs created by this Section: (1) buildings that are owned or operated by registered 501(c)(3) public charities; and (2) day care centers, day care homes, or group day care homes, as defined under 89 Ill. Adm. Code Part 406, 407, or 408, respectively.

Each electric utility shall assess opportunities to implement cost-effective energy efficiency measures and programs through a public housing authority or authorities located in its service territory. If such opportunities are identified, the utility shall propose such measures and programs to address the opportunities. Expenditures to address such opportunities shall be credited toward the minimum procurement and expenditure requirements set forth in this

subsection (c).

Implementation of energy efficiency measures and programs targeted at low-income households should be contracted, when it is practicable, to independent third parties that have demonstrated capabilities to serve such households, with a preference for not-for-profit entities and government agencies that have existing relationships with or experience serving low-income communities in the State.

Each electric utility shall develop and implement reporting procedures that address and assist in determining the amount of energy savings that can be applied to the low-income procurement and expenditure requirements set forth in this subsection (c). Each electric utility shall also track the types and quantities or volumes of insulation and air sealing materials, and their associated energy saving benefits, installed in energy efficiency programs targeted at low-income single-family and multifamily households.

The electric utilities shall participate in a low-income energy efficiency accountability committee ("the committee"), which will directly inform the design, implementation, and evaluation of the low-income and public-housing energy efficiency programs. The committee shall be comprised of the electric utilities subject to the requirements of this Section, the gas utilities subject to the requirements of Section 8-104 of this Act, the utilities' low-income energy efficiency implementation contractors, nonprofit

organizations, community action agencies, advocacy groups, State and local governmental agencies, public-housing organizations, and representatives of community-based organizations, especially those living in or working with environmental justice communities and BIPOC communities. The committee shall be composed of 2 geographically differentiated subcommittees: one for stakeholders in northern Illinois and one for stakeholders in central and southern Illinois. The subcommittees shall meet together at least twice per year.

There shall be one statewide leadership committee led by and composed of community-based organizations that are representative of BIPOC and environmental justice communities and that includes equitable representation from BIPOC communities. The leadership committee shall be composed of an equal number of representatives from the 2 subcommittees. The subcommittees shall address specific programs and issues, with the leadership committee convening targeted workgroups as needed. The leadership committee may elect to work with an independent facilitator to solicit and organize feedback, recommendations and meeting participation from a wide variety of community-based stakeholders. If a facilitator is used, they shall be fair and responsive to the needs of all stakeholders involved in the committee.

All committee meetings must be accessible, with rotating locations if meetings are held in-person, virtual participation options, and materials and agendas circulated in

advance.

There shall also be opportunities for direct input by committee members outside of committee meetings, such as via individual meetings, surveys, emails and calls, to ensure robust participation by stakeholders with limited capacity and ability to attend committee meetings. Committee meetings shall emphasize opportunities to bundle and coordinate delivery of low-income energy efficiency with other programs that serve low-income communities, such as the Illinois Solar for All Program and bill payment assistance programs. Meetings shall include educational opportunities for stakeholders to learn more about these additional offerings, and the committee shall assist in figuring out the best methods for coordinated delivery and implementation of offerings when serving low-income communities. The committee shall directly and equitably influence and inform utility low-income and public-housing energy efficiency programs and priorities. Participating utilities shall implement recommendations from the committee whenever possible.

Participating utilities shall track and report how input from the committee has led to new approaches and changes in their energy efficiency portfolios. This reporting shall occur at committee meetings and in quarterly energy efficiency reports to the Stakeholder Advisory Group and Illinois Commerce Commission, and other relevant reporting mechanisms. Participating utilities shall also report on relevant equity

data and metrics requested by the committee, such as energy burden data, geographic, racial, and other relevant demographic data on where programs are being delivered and what populations programs are serving.

The Illinois Commerce Commission shall oversee and have relevant staff participate in the committee. The committee shall have a budget of 0.25% of each utility's entire efficiency portfolio funding for a given year. The budget shall be overseen by the Commission. The budget shall be used to provide grants for community-based organizations serving on the leadership committee, stipends for community-based organizations participating in the committee, grants for community-based organizations to do energy efficiency outreach and education, and relevant meeting needs as determined by the leadership committee. The education and outreach shall include, but is not limited to, basic energy efficiency education, information about low-income energy efficiency programs, and information on the committee's purpose, structure, and activities.

(d) Notwithstanding any other provision of law to the contrary, a utility providing approved energy efficiency measures and, if applicable, demand-response measures in the State shall be permitted to recover all reasonable and prudently incurred costs of those measures from all retail customers, except as provided in subsection (l) of this Section, as follows, provided that nothing in this subsection

(d) permits the double recovery of such costs from customers:

(1) The utility may recover its costs through an automatic adjustment clause tariff filed with and approved by the Commission. The tariff shall be established outside the context of a general rate case. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the required adjustment to the annual tariff factor to match annual expenditures. To enable the financing of the incremental capital expenditures, including regulatory assets, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, the utility's actual year-end capital structure that includes a common equity ratio, excluding goodwill, of up to and including 50% of the total capital structure shall be deemed reasonable and used to set rates.

(2) A utility may recover its costs through an energy efficiency formula rate approved by the Commission under a filing under subsections (f) and (g) of this Section, which shall specify the cost components that form the basis of the rate charged to customers with sufficient specificity to operate in a standardized manner and be updated annually with transparent information that reflects the utility's actual costs to be recovered during the applicable rate year, which is the period beginning

with the first billing day of January and extending through the last billing day of the following December. The energy efficiency formula rate shall be implemented through a tariff filed with the Commission under subsections (f) and (g) of this Section that is consistent with the provisions of this paragraph (2) and that shall be applicable to all delivery services customers. The Commission shall conduct an investigation of the tariff in a manner consistent with the provisions of this paragraph (2), subsections (f) and (g) of this Section, and the provisions of Article IX of this Act to the extent they do not conflict with this paragraph (2). The energy efficiency formula rate approved by the Commission shall remain in effect at the discretion of the utility and shall do the following:

(A) Provide for the recovery of the utility's actual costs incurred under this Section that are prudently incurred and reasonable in amount consistent with Commission practice and law. The sole fact that a cost differs from that incurred in a prior calendar year or that an investment is different from that made in a prior calendar year shall not imply the imprudence or unreasonableness of that cost or investment.

(B) Reflect the utility's actual year-end capital structure for the applicable calendar year, excluding

goodwill, subject to a determination of prudence and reasonableness consistent with Commission practice and law. To enable the financing of the incremental capital expenditures, including regulatory assets, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, a participating electric utility's actual year-end capital structure that includes a common equity ratio, excluding goodwill, of up to and including 50% of the total capital structure shall be deemed reasonable and used to set rates.

(C) Include a cost of equity, which shall be calculated as the sum of the following:

(i) the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication; and

(ii) 580 basis points.

At such time as the Board of Governors of the Federal Reserve System ceases to include the monthly average yields of 30-year U.S. Treasury bonds in its weekly H.15 Statistical Release or successor publication, the monthly average yields of the U.S. Treasury bonds then having the longest duration published by the Board of Governors in its weekly H.15

Statistical Release or successor publication shall instead be used for purposes of this paragraph (2).

(D) Permit and set forth protocols, subject to a determination of prudence and reasonableness consistent with Commission practice and law, for the following:

(i) recovery of incentive compensation expense that is based on the achievement of operational metrics, including metrics related to budget controls, outage duration and frequency, safety, customer service, efficiency and productivity, and environmental compliance; however, this protocol shall not apply if such expense related to costs incurred under this Section is recovered under Article IX or Section 16-108.5 of this Act; incentive compensation expense that is based on net income or an affiliate's earnings per share shall not be recoverable under the energy efficiency formula rate;

(ii) recovery of pension and other post-employment benefits expense, provided that such costs are supported by an actuarial study; however, this protocol shall not apply if such expense related to costs incurred under this Section is recovered under Article IX or Section 16-108.5 of this Act;

(iii) recovery of existing regulatory assets over the periods previously authorized by the Commission;

(iv) as described in subsection (e), amortization of costs incurred under this Section; and

(v) projected, weather normalized billing determinants for the applicable rate year.

(E) Provide for an annual reconciliation, as described in paragraph (3) of this subsection (d), less any deferred taxes related to the reconciliation, with interest at an annual rate of return equal to the utility's weighted average cost of capital, including a revenue conversion factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return, of the energy efficiency revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its energy efficiency formula rate tariff under this paragraph (2), with what the revenue requirement would have been had the actual cost information for the applicable calendar year been available at the filing date.

The utility shall file, together with its tariff, the projected costs to be incurred by the utility during the rate year under the utility's multi-year plan approved

under subsections (f) and (g) of this Section, including, but not limited to, the projected capital investment costs and projected regulatory asset balances with correspondingly updated depreciation and amortization reserves and expense, that shall populate the energy efficiency formula rate and set the initial rates under the formula.

The Commission shall review the proposed tariff in conjunction with its review of a proposed multi-year plan, as specified in paragraph (5) of subsection (g) of this Section. The review shall be based on the same evidentiary standards, including, but not limited to, those concerning the prudence and reasonableness of the costs incurred by the utility, the Commission applies in a hearing to review a filing for a general increase in rates under Article IX of this Act. The initial rates shall take effect beginning with the January monthly billing period following the Commission's approval.

The tariff's rate design and cost allocation across customer classes shall be consistent with the utility's automatic adjustment clause tariff in effect on June 1, 2017 (the effective date of Public Act 99-906); however, the Commission may revise the tariff's rate design and cost allocation in subsequent proceedings under paragraph (3) of this subsection (d).

If the energy efficiency formula rate is terminated,

the then current rates shall remain in effect until such time as the energy efficiency costs are incorporated into new rates that are set under this subsection (d) or Article IX of this Act, subject to retroactive rate adjustment, with interest, to reconcile rates charged with actual costs.

(3) The provisions of this paragraph (3) shall only apply to an electric utility that has elected to file an energy efficiency formula rate under paragraph (2) of this subsection (d). Subsequent to the Commission's issuance of an order approving the utility's energy efficiency formula rate structure and protocols, and initial rates under paragraph (2) of this subsection (d), the utility shall file, on or before June 1 of each year, with the Chief Clerk of the Commission its updated cost inputs to the energy efficiency formula rate for the applicable rate year and the corresponding new charges, as well as the information described in paragraph (9) of subsection (g) of this Section. Each such filing shall conform to the following requirements and include the following information:

(A) The inputs to the energy efficiency formula rate for the applicable rate year shall be based on the projected costs to be incurred by the utility during the rate year under the utility's multi-year plan approved under subsections (f) and (g) of this

Section, including, but not limited to, projected capital investment costs and projected regulatory asset balances with correspondingly updated depreciation and amortization reserves and expense. The filing shall also include a reconciliation of the energy efficiency revenue requirement that was in effect for the prior rate year (as set by the cost inputs for the prior rate year) with the actual revenue requirement for the prior rate year (determined using a year-end rate base) that uses amounts reflected in the applicable FERC Form 1 that reports the actual costs for the prior rate year. Any over-collection or under-collection indicated by such reconciliation shall be reflected as a credit against, or recovered as an additional charge to, respectively, with interest calculated at a rate equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, the charges for the applicable rate year. Such over-collection or under-collection shall be adjusted to remove any deferred taxes related to the reconciliation, for purposes of calculating interest at an annual rate of return equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, including a revenue conversion factor calculated to recover or refund all additional income taxes that

may be payable or receivable as a result of that return. Each reconciliation shall be certified by the participating utility in the same manner that FERC Form 1 is certified. The filing shall also include the charge or credit, if any, resulting from the calculation required by subparagraph (E) of paragraph (2) of this subsection (d).

Notwithstanding any other provision of law to the contrary, the intent of the reconciliation is to ultimately reconcile both the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its energy efficiency formula rate tariff under paragraph (2) of this subsection (d), with what the revenue requirement determined using a year-end rate base for the applicable calendar year would have been had the actual cost information for the applicable calendar year been available at the filing date.

For purposes of this Section, "FERC Form 1" means the Annual Report of Major Electric Utilities, Licensees and Others that electric utilities are required to file with the Federal Energy Regulatory Commission under the Federal Power Act, Sections 3, 4(a), 304 and 209, modified as necessary to be consistent with 83 Ill. Adm. ~~Admin.~~ Code Part 415 as of May 1, 2011. Nothing in this Section is intended to

allow costs that are not otherwise recoverable to be recoverable by virtue of inclusion in FERC Form 1.

(B) The new charges shall take effect beginning on the first billing day of the following January billing period and remain in effect through the last billing day of the next December billing period regardless of whether the Commission enters upon a hearing under this paragraph (3).

(C) The filing shall include relevant and necessary data and documentation for the applicable rate year. Normalization adjustments shall not be required.

Within 45 days after the utility files its annual update of cost inputs to the energy efficiency formula rate, the Commission shall with reasonable notice, initiate a proceeding concerning whether the projected costs to be incurred by the utility and recovered during the applicable rate year, and that are reflected in the inputs to the energy efficiency formula rate, are consistent with the utility's approved multi-year plan under subsections (f) and (g) of this Section and whether the costs incurred by the utility during the prior rate year were prudent and reasonable. The Commission shall also have the authority to investigate the information and data described in paragraph (9) of subsection (g) of this Section, including the proposed adjustment to the

utility's return on equity component of its weighted average cost of capital. During the course of the proceeding, each objection shall be stated with particularity and evidence provided in support thereof, after which the utility shall have the opportunity to rebut the evidence. Discovery shall be allowed consistent with the Commission's Rules of Practice, which Rules of Practice shall be enforced by the Commission or the assigned administrative law judge. The Commission shall apply the same evidentiary standards, including, but not limited to, those concerning the prudence and reasonableness of the costs incurred by the utility, during the proceeding as it would apply in a proceeding to review a filing for a general increase in rates under Article IX of this Act. The Commission shall not, however, have the authority in a proceeding under this paragraph (3) to consider or order any changes to the structure or protocols of the energy efficiency formula rate approved under paragraph (2) of this subsection (d). In a proceeding under this paragraph (3), the Commission shall enter its order no later than the earlier of 195 days after the utility's filing of its annual update of cost inputs to the energy efficiency formula rate or December 15. The utility's proposed return on equity calculation, as described in paragraphs (7) through (9) of subsection (g) of this Section, shall be deemed the final, approved

calculation on December 15 of the year in which it is filed unless the Commission enters an order on or before December 15, after notice and hearing, that modifies such calculation consistent with this Section. The Commission's determinations of the prudence and reasonableness of the costs incurred, and determination of such return on equity calculation, for the applicable calendar year shall be final upon entry of the Commission's order and shall not be subject to reopening, reexamination, or collateral attack in any other Commission proceeding, case, docket, order, rule, or regulation; however, nothing in this paragraph (3) shall prohibit a party from petitioning the Commission to rehear or appeal to the courts the order under the provisions of this Act.

(e) Beginning on June 1, 2017 (the effective date of Public Act 99-906), a utility subject to the requirements of this Section may elect to defer, as a regulatory asset, up to the full amount of its expenditures incurred under this Section for each annual period, including, but not limited to, any expenditures incurred above the funding level set by subsection (f) of this Section for a given year. The total expenditures deferred as a regulatory asset in a given year shall be amortized and recovered over a period that is equal to the weighted average of the energy efficiency measure lives implemented for that year that are reflected in the regulatory asset. The unamortized balance shall be recognized as of

December 31 for a given year. The utility shall also earn a return on the total of the unamortized balances of all of the energy efficiency regulatory assets, less any deferred taxes related to those unamortized balances, at an annual rate equal to the utility's weighted average cost of capital that includes, based on a year-end capital structure, the utility's actual cost of debt for the applicable calendar year and a cost of equity, which shall be calculated as the sum of the (i) the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication; and (ii) 580 basis points, including a revenue conversion factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return. Capital investment costs shall be depreciated and recovered over their useful lives consistent with generally accepted accounting principles. The weighted average cost of capital shall be applied to the capital investment cost balance, less any accumulated depreciation and accumulated deferred income taxes, as of December 31 for a given year.

When an electric utility creates a regulatory asset under the provisions of this Section, the costs are recovered over a period during which customers also receive a benefit which is in the public interest. Accordingly, it is the intent of the General Assembly that an electric utility that elects to

create a regulatory asset under the provisions of this Section shall recover all of the associated costs as set forth in this Section. After the Commission has approved the prudence and reasonableness of the costs that comprise the regulatory asset, the electric utility shall be permitted to recover all such costs, and the value and recoverability through rates of the associated regulatory asset shall not be limited, altered, impaired, or reduced.

(f) Beginning in 2017, each electric utility shall file an energy efficiency plan with the Commission to meet the energy efficiency standards for the next applicable multi-year period beginning January 1 of the year following the filing, according to the schedule set forth in paragraphs (1) through (3) of this subsection (f). If a utility does not file such a plan on or before the applicable filing deadline for the plan, it shall face a penalty of $100,000 per day until the plan is filed.

(1) No later than 30 days after June 1, 2017 (the effective date of Public Act 99-906), each electric utility shall file a 4-year energy efficiency plan commencing on January 1, 2018 that is designed to achieve the cumulative persisting annual savings goals specified in paragraphs (1) through (4) of subsection (b-5) of this Section or in paragraphs (1) through (4) of subsection (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the

goals may be reduced if the utility's expenditures are limited pursuant to subsection (m) of this Section or, for a utility that serves less than 3,000,000 retail customers, if each of the following conditions are met: (A) the plan's analysis and forecasts of the utility's ability to acquire energy savings demonstrate that achievement of such goals is not cost effective; and (B) the amount of energy savings achieved by the utility as determined by the independent evaluator for the most recent year for which savings have been evaluated preceding the plan filing was less than the average annual amount of savings required to achieve the goals for the applicable 4-year plan period. Except as provided in subsection (m) of this Section, annual increases in cumulative persisting annual savings goals during the applicable 4-year plan period shall not be reduced to amounts that are less than the maximum amount of cumulative persisting annual savings that is forecast to be cost-effectively achievable during the 4-year plan period. The Commission shall review any proposed goal reduction as part of its review and approval of the utility's proposed plan.

(2) No later than March 1, 2021, each electric utility shall file a 4-year energy efficiency plan commencing on January 1, 2022 that is designed to achieve the cumulative persisting annual savings goals specified in paragraphs

(5) through (8) of subsection (b-5) of this Section or in paragraphs (5) through (8) of subsection (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the goals may be reduced if either (1) clear and convincing evidence demonstrates, through independent analysis, that the expenditure limits in subsection (m) of this Section preclude full achievement of the goals or (2) each of the following conditions are met: (A) the plan's analysis and forecasts of the utility's ability to acquire energy savings demonstrate by clear and convincing evidence and through independent analysis that achievement of such goals is not cost effective; and (B) the amount of energy savings achieved by the utility as determined by the independent evaluator for the most recent year for which savings have been evaluated preceding the plan filing was less than the average annual amount of savings required to achieve the goals for the applicable 4-year plan period. If there is not clear and convincing evidence that achieving the savings goals specified in paragraph (b-5) or (b-15) of this Section is possible both cost-effectively and within the expenditure limits in subsection (m), such savings goals shall not be reduced. Except as provided in subsection (m) of this Section, annual increases in cumulative persisting annual savings goals during the applicable 4-year plan period shall not be reduced to

amounts that are less than the maximum amount of cumulative persisting annual savings that is forecast to be cost-effectively achievable during the 4-year plan period. The Commission shall review any proposed goal reduction as part of its review and approval of the utility's proposed plan.

(3) No later than March 1, 2025, each electric utility shall file a 4-year energy efficiency plan commencing on January 1, 2026 that is designed to achieve the cumulative persisting annual savings goals specified in paragraphs (9) through (12) of subsection (b-5) of this Section or in paragraphs (9) through (12) of subsection (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the goals may be reduced if either (1) clear and convincing evidence demonstrates, through independent analysis, that the expenditure limits in subsection (m) of this Section preclude full achievement of the goals or (2) each of the following conditions are met: (A) the plan's analysis and forecasts of the utility's ability to acquire energy savings demonstrate by clear and convincing evidence and through independent analysis that achievement of such goals is not cost effective; and (B) the amount of energy savings achieved by the utility as determined by the independent evaluator for the most recent year for which savings have been evaluated preceding the plan filing was less than the

average annual amount of savings required to achieve the goals for the applicable 4-year plan period. If there is not clear and convincing evidence that achieving the savings goals specified in paragraphs (b-5) or (b-15) of this Section is possible both cost-effectively and within the expenditure limits in subsection (m), such savings goals shall not be reduced. Except as provided in subsection (m) of this Section, annual increases in cumulative persisting annual savings goals during the applicable 4-year plan period shall not be reduced to amounts that are less than the maximum amount of cumulative persisting annual savings that is forecast to be cost-effectively achievable during the 4-year plan period. The Commission shall review any proposed goal reduction as part of its review and approval of the utility's proposed plan.

(4) No later than March 1, 2029, and every 4 years thereafter, each electric utility shall file a 4-year energy efficiency plan commencing on January 1, 2030, and every 4 years thereafter, respectively, that is designed to achieve the cumulative persisting annual savings goals established by the Illinois Commerce Commission pursuant to direction of subsections (b-5) and (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the goals may be reduced if either (1) clear and convincing evidence and independent

analysis demonstrates that the expenditure limits in subsection (m) of this Section preclude full achievement of the goals or (2) each of the following conditions are met: (A) the plan's analysis and forecasts of the utility's ability to acquire energy savings demonstrate by clear and convincing evidence and through independent analysis that achievement of such goals is not cost-effective; and (B) the amount of energy savings achieved by the utility as determined by the independent evaluator for the most recent year for which savings have been evaluated preceding the plan filing was less than the average annual amount of savings required to achieve the goals for the applicable 4-year plan period. If there is not clear and convincing evidence that achieving the savings goals specified in paragraphs (b-5) or (b-15) of this Section is possible both cost-effectively and within the expenditure limits in subsection (m), such savings goals shall not be reduced. Except as provided in subsection (m) of this Section, annual increases in cumulative persisting annual savings goals during the applicable 4-year plan period shall not be reduced to amounts that are less than the maximum amount of cumulative persisting annual savings that is forecast to be cost-effectively achievable during the 4-year plan period. The Commission shall review any proposed goal reduction as part of its review and approval of the

utility's proposed plan.

Each utility's plan shall set forth the utility's proposals to meet the energy efficiency standards identified in subsection (b-5) or (b-15), as applicable and as such standards may have been modified under this subsection (f), taking into account the unique circumstances of the utility's service territory. For those plans commencing on January 1, 2018, the Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan no later than 105 days after June 1, 2017 (the effective date of Public Act 99-906). For those plans commencing after December 31, 2021, the Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan within 6 months after its submission. If the Commission disapproves a plan, the Commission shall, within 30 days, describe in detail the reasons for the disapproval and describe a path by which the utility may file a revised draft of the plan to address the Commission's concerns satisfactorily. If the utility does not refile with the Commission within 60 days, the utility shall be subject to penalties at a rate of $100,000 per day until the plan is filed. This process shall continue, and penalties shall accrue, until the utility has successfully filed a portfolio of energy efficiency and demand-response measures. Penalties shall be deposited into the Energy Efficiency Trust Fund.

(g) In submitting proposed plans and funding levels under subsection (f) of this Section to meet the savings goals identified in subsection (b-5) or (b-15) of this Section, as applicable, the utility shall:

(1) Demonstrate that its proposed energy efficiency measures will achieve the applicable requirements that are identified in subsection (b-5) or (b-15) of this Section, as modified by subsection (f) of this Section.

(2) (Blank).

(2.5) Demonstrate consideration of program options for (A) advancing new building codes, appliance standards, and municipal regulations governing existing and new building efficiency improvements and (B) supporting efforts to improve compliance with new building codes, appliance standards and municipal regulations, as potentially cost-effective means of acquiring energy savings to count toward savings goals.

(3) Demonstrate that its overall portfolio of measures, not including low-income programs described in subsection (c) of this Section, is cost-effective using the total resource cost test or complies with paragraphs (1) through (3) of subsection (f) of this Section and represents a diverse cross-section of opportunities for customers of all rate classes, other than those customers described in subsection (l) of this Section, to participate in the programs. Individual measures need not

be cost effective.

(3.5) Demonstrate that the utility's plan integrates the delivery of energy efficiency programs with natural gas efficiency programs, programs promoting distributed solar, programs promoting demand response and other efforts to address bill payment issues, including, but not limited to, LIHEAP and the Percentage of Income Payment Plan, to the extent such integration is practical and has the potential to enhance customer engagement, minimize market confusion, or reduce administrative costs.

(4) Present a third-party energy efficiency implementation program subject to the following requirements:

(A) beginning with the year commencing January 1, 2019, electric utilities that serve more than 3,000,000 retail customers in the State shall fund third-party energy efficiency programs in an amount that is no less than $25,000,000 per year, and electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall fund third-party energy efficiency programs in an amount that is no less than $8,350,000 per year;

(B) during 2018, the utility shall conduct a solicitation process for purposes of requesting proposals from third-party vendors for those

third-party energy efficiency programs to be offered during one or more of the years commencing January 1, 2019, January 1, 2020, and January 1, 2021; for those multi-year plans commencing on January 1, 2022 and January 1, 2026, the utility shall conduct a solicitation process during 2021 and 2025, respectively, for purposes of requesting proposals from third-party vendors for those third-party energy efficiency programs to be offered during one or more years of the respective multi-year plan period; for each solicitation process, the utility shall identify the sector, technology, or geographical area for which it is seeking requests for proposals; the solicitation process must be either for programs that fill gaps in the utility's program portfolio and for programs that target low-income customers, business sectors, building types, geographies, or other specific parts of its customer base with initiatives that would be more effective at reaching these customer segments than the utilities' programs filed in its energy efficiency plans;

(C) the utility shall propose the bidder qualifications, performance measurement process, and contract structure, which must include a performance payment mechanism and general terms and conditions; the proposed qualifications, process, and structure

shall be subject to Commission approval; and

(D) the utility shall retain an independent third party to score the proposals received through the solicitation process described in this paragraph (4), rank them according to their cost per lifetime kilowatt-hours saved, and assemble the portfolio of third-party programs.

The electric utility shall recover all costs associated with Commission-approved, third-party administered programs regardless of the success of those programs.

(4.5) Implement cost-effective demand-response measures to reduce peak demand by 0.1% over the prior year for eligible retail customers, as defined in Section 16-111.5 of this Act, and for customers that elect hourly service from the utility pursuant to Section 16-107 of this Act, provided those customers have not been declared competitive. This requirement continues until December 31, 2026.

(5) Include a proposed or revised cost-recovery tariff mechanism, as provided for under subsection (d) of this Section, to fund the proposed energy efficiency and demand-response measures and to ensure the recovery of the prudently and reasonably incurred costs of Commission-approved programs.

(6) Provide for an annual independent evaluation of

the performance of the cost-effectiveness of the utility's portfolio of measures, as well as a full review of the multi-year plan results of the broader net program impacts and, to the extent practical, for adjustment of the measures on a going-forward basis as a result of the evaluations. The resources dedicated to evaluation shall not exceed 3% of portfolio resources in any given year.

(7) For electric utilities that serve more than 3,000,000 retail customers in the State:

(A) Through December 31, 2025, provide for an adjustment to the return on equity component of the utility's weighted average cost of capital calculated under subsection (d) of this Section:

(i) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is less than the applicable annual incremental goal, then the return on equity component shall be reduced by a maximum of 200 basis points in the event that the utility achieved no more than 75% of such goal. If the utility achieved more than 75% of the applicable annual incremental goal but less than 100% of such goal, then the return on equity component shall be reduced by 8 basis points for each percent by which the utility failed to achieve the goal.

(ii) If the independent evaluator determines

that the utility achieved a cumulative persisting annual savings that is more than the applicable annual incremental goal, then the return on equity component shall be increased by a maximum of 200 basis points in the event that the utility achieved at least 125% of such goal. If the utility achieved more than 100% of the applicable annual incremental goal but less than 125% of such goal, then the return on equity component shall be increased by 8 basis points for each percent by which the utility achieved above the goal. If the applicable annual incremental goal was reduced under paragraph ~~paragraphs~~ (1) or (2) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in this item (ii):

(aa) the calculation for determining achievement that is at least 125% of the applicable annual incremental goal shall use the unreduced applicable annual incremental goal to set the value; and

(bb) the calculation for determining achievement that is less than 125% but more than 100% of the applicable annual incremental goal shall use the reduced applicable annual incremental goal to set the value for 100%

achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 8 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% achievement.

(B) For the period January 1, 2026 through December 31, 2029 and in all subsequent 4-year periods, provide for an adjustment to the return on equity component of the utility's weighted average cost of capital calculated under subsection (d) of this Section:

(i) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is less than the applicable annual incremental goal, then the return on equity component shall be reduced by a maximum of 200 basis points in the event that the utility achieved no more than 66% of such goal. If the utility achieved more than 66% of the applicable annual incremental goal but less than 100% of such goal, then the return on equity component shall be reduced by 6 basis points for each percent by which the utility failed to achieve the goal.

(ii) If the independent evaluator determines

that the utility achieved a cumulative persisting annual savings that is more than the applicable annual incremental goal, then the return on equity component shall be increased by a maximum of 200 basis points in the event that the utility achieved at least 134% of such goal. If the utility achieved more than 100% of the applicable annual incremental goal but less than 134% of such goal, then the return on equity component shall be increased by 6 basis points for each percent by which the utility achieved above the goal. If the applicable annual incremental goal was reduced under paragraph (3) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in this item (ii):

(aa) the calculation for determining achievement that is at least 134% of the applicable annual incremental goal shall use the unreduced applicable annual incremental goal to set the value; and

(bb) the calculation for determining achievement that is less than 134% but more than 100% of the applicable annual incremental goal shall use the reduced applicable annual incremental goal to set the value for 100%

achievement of the goal and shall use the unreduced goal to set the value for 134% achievement. The 6 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 134% achievement.

(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph (7), if the applicable annual incremental goal for an electric utility is ever less than 0.6% of deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015, and 2016, an adjustment to the return on equity component of the utility's weighted average cost of capital calculated under subsection (d) of this Section shall be made as follows:

(i) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is less than would have been achieved had the applicable annual incremental goal been achieved, then the return on equity component shall be reduced by a maximum of 200 basis points if the utility achieved no more than 75% of its applicable annual total savings requirement as defined in paragraph (7.5) of this

subsection. If the utility achieved more than 75% of the applicable annual total savings requirement but less than 100% of such goal, then the return on equity component shall be reduced by 8 basis points for each percent by which the utility failed to achieve the goal.

(ii) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is more than would have been achieved had the applicable annual incremental goal been achieved, then the return on equity component shall be increased by a maximum of 200 basis points if the utility achieved at least 125% of its applicable annual total savings requirement. If the utility achieved more than 100% of the applicable annual total savings requirement but less than 125% of such goal, then the return on equity component shall be increased by 8 basis points for each percent by which the utility achieved above the applicable annual total savings requirement. If the applicable annual incremental goal was reduced under paragraph (1) or (2) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in this item (ii):

(aa) the calculation for determining

achievement that is at least 125% of the applicable annual total savings requirement shall use the unreduced applicable annual incremental goal to set the value; and

(bb) the calculation for determining achievement that is less than 125% but more than 100% of the applicable annual total savings requirement shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 8 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% achievement.

(7.5) For purposes of this Section, the term "applicable annual incremental goal" means the difference between the cumulative persisting annual savings goal for the calendar year that is the subject of the independent evaluator's determination and the cumulative persisting annual savings goal for the immediately preceding calendar year, as such goals are defined in subsections (b-5) and (b-15) of this Section and as these goals may have been modified as provided for under subsection (b-20) and paragraphs (1) through (3) of subsection (f) of this

Section. Under subsections (b), (b-5), (b-10), and (b-15) of this Section, a utility must first replace energy savings from measures that have expired before any progress towards achievement of its applicable annual incremental goal may be counted. Savings may expire because measures installed in previous years have reached the end of their lives, because measures installed in previous years are producing lower savings in the current year than in the previous year, or for other reasons identified by independent evaluators. Notwithstanding anything else set forth in this Section, the difference between the actual annual incremental savings achieved in any given year, including the replacement of energy savings that have expired, and the applicable annual incremental goal shall not affect adjustments to the return on equity for subsequent calendar years under this subsection (g).

In this Section, "applicable annual total savings requirement" means the total amount of new annual savings that the utility must achieve in any given year to achieve the applicable annual incremental goal. This is equal to the applicable annual incremental goal plus the total new annual savings that are required to replace savings that expired in or at the end of the previous year.

(8) For electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail

customers in the State:

(A) Through December 31, 2025, the applicable annual incremental goal shall be compared to the annual incremental savings as determined by the independent evaluator.

(i) The return on equity component shall be reduced by 8 basis points for each percent by which the utility did not achieve 84.4% of the applicable annual incremental goal.

(ii) The return on equity component shall be increased by 8 basis points for each percent by which the utility exceeded 100% of the applicable annual incremental goal.

(iii) The return on equity component shall not be increased or decreased if the annual incremental savings as determined by the independent evaluator is greater than 84.4% of the applicable annual incremental goal and less than 100% of the applicable annual incremental goal.

(iv) The return on equity component shall not be increased or decreased by an amount greater than 200 basis points pursuant to this subparagraph (A).

(B) For the period of January 1, 2026 through December 31, 2029 and in all subsequent 4-year periods, the applicable annual incremental goal shall

be compared to the annual incremental savings as determined by the independent evaluator.

(i) The return on equity component shall be reduced by 6 basis points for each percent by which the utility did not achieve 100% of the applicable annual incremental goal.

(ii) The return on equity component shall be increased by 6 basis points for each percent by which the utility exceeded 100% of the applicable annual incremental goal.

(iii) The return on equity component shall not be increased or decreased by an amount greater than 200 basis points pursuant to this subparagraph (B).

(C) Notwithstanding provisions in subparagraphs (A) and (B) of paragraph (7) of this subsection, if the applicable annual incremental goal for an electric utility is ever less than 0.6% of deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015 and 2016, an adjustment to the return on equity component of the utility's weighted average cost of capital calculated under subsection (d) of this Section shall be made as follows:

(i) The return on equity component shall be reduced by 8 basis points for each percent by

which the utility did not achieve 100% of the applicable annual total savings requirement.

(ii) The return on equity component shall be increased by 8 basis points for each percent by which the utility exceeded 100% of the applicable annual total savings requirement.

(iii) The return on equity component shall not be increased or decreased by an amount greater than 200 basis points pursuant to this subparagraph (C).

(D) If the applicable annual incremental goal was reduced under paragraph (1), (2), (3), or (4) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in subparagraphs (A), (B), and (C) of this paragraph (8):

(i) The calculation for determining achievement that is at least 125% or 134%, as applicable, of the applicable annual incremental goal or the applicable annual total savings requirement, as applicable, shall use the unreduced applicable annual incremental goal to set the value.

(ii) For the period through December 31, 2025, the calculation for determining achievement that is less than 125% but more than 100% of the

applicable annual incremental goal or the applicable annual total savings requirement, as applicable, shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 8 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% achievement.

(iii) For the period of January 1, 2026 through December 31, 2029 and all subsequent 4-year periods, the calculation for determining achievement that is less than 125% or 134%, as applicable, but more than 100% of the applicable annual incremental goal or the applicable annual total savings requirement, as applicable, shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 6 basis-point value or 8 basis-point value, as applicable, shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% or

between 100% and 134% achievement, as applicable.

(9) The utility shall submit the energy savings data to the independent evaluator no later than 30 days after the close of the plan year. The independent evaluator shall determine the cumulative persisting annual savings for a given plan year, as well as an estimate of job impacts and other macroeconomic impacts of the efficiency programs for that year, no later than 120 days after the close of the plan year. The utility shall submit an informational filing to the Commission no later than 160 days after the close of the plan year that attaches the independent evaluator's final report identifying the cumulative persisting annual savings for the year and calculates, under paragraph (7) or (8) of this subsection (g), as applicable, any resulting change to the utility's return on equity component of the weighted average cost of capital applicable to the next plan year beginning with the January monthly billing period and extending through the December monthly billing period. However, if the utility recovers the costs incurred under this Section under paragraphs (2) and (3) of subsection (d) of this Section, then the utility shall not be required to submit such informational filing, and shall instead submit the information that would otherwise be included in the informational filing as part of its filing under paragraph (3) of such subsection (d) that is due on or before June 1

of each year.

For those utilities that must submit the informational filing, the Commission may, on its own motion or by petition, initiate an investigation of such filing, provided, however, that the utility's proposed return on equity calculation shall be deemed the final, approved calculation on December 15 of the year in which it is filed unless the Commission enters an order on or before December 15, after notice and hearing, that modifies such calculation consistent with this Section.

The adjustments to the return on equity component described in paragraphs (7) and (8) of this subsection (g) shall be applied as described in such paragraphs through a separate tariff mechanism, which shall be filed by the utility under subsections (f) and (g) of this Section.

(9.5) The utility must demonstrate how it will ensure that program implementation contractors and energy efficiency installation vendors will promote workforce equity and quality jobs.

(9.6) Utilities shall collect data necessary to ensure compliance with paragraph (9.5) no less than quarterly and shall communicate progress toward compliance with paragraph (9.5) to program implementation contractors and energy efficiency installation vendors no less than quarterly. Utilities shall work with relevant vendors, providing education, training, and other resources needed

to ensure compliance and, where necessary, adjusting or terminating work with vendors that cannot assist with compliance.

(10) Utilities required to implement efficiency programs under subsections (b-5) and (b-10) shall report annually to the Illinois Commerce Commission and the General Assembly on how hiring, contracting, job training, and other practices related to its energy efficiency programs enhance the diversity of vendors working on such programs. These reports must include data on vendor and employee diversity, including data on the implementation of paragraphs (9.5) and (9.6). If the utility is not meeting the requirements of paragraphs (9.5) and (9.6), the utility shall submit a plan to adjust their activities so that they meet the requirements of paragraphs (9.5) and (9.6) within the following year.

(h) No more than 4% of energy efficiency and demand-response program revenue may be allocated for research, development, or pilot deployment of new equipment or measures. Electric utilities shall work with interested stakeholders to formulate a plan for how these funds should be spent, incorporate statewide approaches for these allocations, and file a 4-year plan that demonstrates that collaboration. If a utility files a request for modified annual energy savings goals with the Commission, then a utility shall forgo spending portfolio dollars on research and development proposals.

(i) When practicable, electric utilities shall incorporate advanced metering infrastructure data into the planning, implementation, and evaluation of energy efficiency measures and programs, subject to the data privacy and confidentiality protections of applicable law.

(j) The independent evaluator shall follow the guidelines and use the savings set forth in Commission-approved energy efficiency policy manuals and technical reference manuals, as each may be updated from time to time. Until such time as measure life values for energy efficiency measures implemented for low-income households under subsection (c) of this Section are incorporated into such Commission-approved manuals, the low-income measures shall have the same measure life values that are established for same measures implemented in households that are not low-income households.

(k) Notwithstanding any provision of law to the contrary, an electric utility subject to the requirements of this Section may file a tariff cancelling an automatic adjustment clause tariff in effect under this Section or Section 8-103, which shall take effect no later than one business day after the date such tariff is filed. Thereafter, the utility shall be authorized to defer and recover its expenditures incurred under this Section through a new tariff authorized under subsection (d) of this Section or in the utility's next rate case under Article IX or Section 16-108.5 of this Act, with interest at an annual rate equal to the utility's weighted

average cost of capital as approved by the Commission in such case. If the utility elects to file a new tariff under subsection (d) of this Section, the utility may file the tariff within 10 days after June 1, 2017 (the effective date of Public Act 99-906), and the cost inputs to such tariff shall be based on the projected costs to be incurred by the utility during the calendar year in which the new tariff is filed and that were not recovered under the tariff that was cancelled as provided for in this subsection. Such costs shall include those incurred or to be incurred by the utility under its multi-year plan approved under subsections (f) and (g) of this Section, including, but not limited to, projected capital investment costs and projected regulatory asset balances with correspondingly updated depreciation and amortization reserves and expense. The Commission shall, after notice and hearing, approve, or approve with modification, such tariff and cost inputs no later than 75 days after the utility filed the tariff, provided that such approval, or approval with modification, shall be consistent with the provisions of this Section to the extent they do not conflict with this subsection (k). The tariff approved by the Commission shall take effect no later than 5 days after the Commission enters its order approving the tariff.

No later than 60 days after the effective date of the tariff cancelling the utility's automatic adjustment clause tariff, the utility shall file a reconciliation that

reconciles the moneys collected under its automatic adjustment clause tariff with the costs incurred during the period beginning June 1, 2016 and ending on the date that the electric utility's automatic adjustment clause tariff was cancelled. In the event the reconciliation reflects an under-collection, the utility shall recover the costs as specified in this subsection (k). If the reconciliation reflects an over-collection, the utility shall apply the amount of such over-collection as a one-time credit to retail customers' bills.

(l) For the calendar years covered by a multi-year plan commencing after December 31, 2017, subsections (a) through (j) of this Section do not apply to eligible large private energy customers that have chosen to opt out of multi-year plans consistent with this subsection (1).

(1) For purposes of this subsection (l), "eligible large private energy customer" means any retail customers, except for federal, State, municipal, and other public customers, of an electric utility that serves more than 3,000,000 retail customers, except for federal, State, municipal and other public customers, in the State and whose total highest 30 minute demand was more than 10,000 kilowatts, or any retail customers of an electric utility that serves less than 3,000,000 retail customers but more than 500,000 retail customers in the State and whose total highest 15 minute demand was more than 10,000 kilowatts.

For purposes of this subsection (l), "retail customer" has the meaning set forth in Section 16-102 of this Act. However, for a business entity with multiple sites located in the State, where at least one of those sites qualifies as an eligible large private energy customer, then any of that business entity's sites, properly identified on a form for notice, shall be considered eligible large private energy customers for the purposes of this subsection (l). A determination of whether this subsection is applicable to a customer shall be made for each multi-year plan beginning after December 31, 2017. The criteria for determining whether this subsection (l) is applicable to a retail customer shall be based on the 12 consecutive billing periods prior to the start of the first year of each such multi-year plan.

(2) Within 45 days after September 15, 2021 (the effective date of Public Act 102-662) ~~this amendatory Act of the 102nd General Assembly~~, the Commission shall prescribe the form for notice required for opting out of energy efficiency programs. The notice must be submitted to the retail electric utility 12 months before the next energy efficiency planning cycle. However, within 120 days after the Commission's initial issuance of the form for notice, eligible large private energy customers may submit a form for notice to an electric utility. The form for notice for opting out of energy efficiency programs shall

include all of the following:

(A) a statement indicating that the customer has elected to opt out;

(B) the account numbers for the customer accounts to which the opt out shall apply;

(C) the mailing address associated with the customer accounts identified under subparagraph (B);

(D) an American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) level 2 or higher audit report conducted by an independent third-party expert identifying cost-effective energy efficiency project opportunities that could be invested in over the next 10 years. A retail customer with specialized processes may utilize a self-audit process in lieu of the ASHRAE audit;

(E) a description of the customer's plans to reallocate the funds toward internal energy efficiency efforts identified in the subparagraph (D) report, including, but not limited to: (i) strategic energy management or other programs, including descriptions of targeted buildings, equipment and operations; (ii) eligible energy efficiency measures; and (iii) expected energy savings, itemized by technology. If the subparagraph (D) audit report identifies that the customer currently utilizes the best available energy efficient technology, equipment, programs, and

operations, the customer may provide a statement that more efficient technology, equipment, programs, and operations are not reasonably available as a means of satisfying this subparagraph (E); and

(F) the effective date of the opt out, which will be the next January 1 following notice of the opt out.

(3) Upon receipt of a properly and timely noticed request for opt out submitted by an eligible large private energy customer, the retail electric utility shall grant the request, file the request with the Commission and, beginning January 1 of the following year, the opted out customer shall no longer be assessed the costs of the plan and shall be prohibited from participating in that 4-year plan cycle to give the retail utility the certainty to design program plan proposals.

(4) Upon a customer's election to opt out under paragraphs (1) and (2) of this subsection (l) and commencing on the effective date of said opt out, the account properly identified in the customer's notice under paragraph (2) shall not be subject to any cost recovery and shall not be eligible to participate in, or directly benefit from, compliance with energy efficiency cumulative persisting savings requirements under subsections (a) through (j).

(5) A utility's cumulative persisting annual savings targets will exclude any opted out load.

(6) The request to opt out is only valid for the requested plan cycle. An eligible large private energy customer must also request to opt out for future energy plan cycles, otherwise the customer will be included in the future energy plan cycle.

(m) Notwithstanding the requirements of this Section, as part of a proceeding to approve a multi-year plan under subsections (f) and (g) of this Section if the multi-year plan has been designed to maximize savings, but does not meet the cost cap limitations of this Section, the Commission shall reduce the amount of energy efficiency measures implemented for any single year, and whose costs are recovered under subsection (d) of this Section, by an amount necessary to limit the estimated average net increase due to the cost of the measures to no more than

(1) 3.5% for each of the 4 years beginning January 1, 2018,

(2) (blank),

(3) 4% for each of the 4 years beginning January 1, 2022,

(4) 4.25% for the 4 years beginning January 1, 2026, and

(5) 4.25% plus an increase sufficient to account for the rate of inflation between January 1, 2026 and January 1 of the first year of each subsequent 4-year plan cycle,

of the average amount paid per kilowatthour by residential

eligible retail customers during calendar year 2015. An electric utility may plan to spend up to 10% more in any year during an applicable multi-year plan period to cost-effectively achieve additional savings so long as the average over the applicable multi-year plan period does not exceed the percentages defined in items (1) through (5). To determine the total amount that may be spent by an electric utility in any single year, the applicable percentage of the average amount paid per kilowatthour shall be multiplied by the total amount of energy delivered by such electric utility in the calendar year 2015, adjusted to reflect the proportion of the utility's load attributable to customers that have opted out of subsections (a) through (j) of this Section under subsection (l) of this Section. For purposes of this subsection (m), the amount paid per kilowatthour includes, without limitation, estimated amounts paid for supply, transmission, distribution, surcharges, and add-on taxes. For purposes of this Section, "eligible retail customers" shall have the meaning set forth in Section 16-111.5 of this Act. Once the Commission has approved a plan under subsections (f) and (g) of this Section, no subsequent rate impact determinations shall be made.

(n) A utility shall take advantage of the efficiencies available through existing Illinois Home Weatherization Assistance Program infrastructure and services, such as enrollment, marketing, quality assurance and implementation,

which can reduce the need for similar services at a lower cost than utility-only programs, subject to capacity constraints at community action agencies, for both single-family and multifamily weatherization services, to the extent Illinois Home Weatherization Assistance Program community action agencies provide multifamily services. A utility's plan shall demonstrate that in formulating annual weatherization budgets, it has sought input and coordination with community action agencies regarding agencies' capacity to expand and maximize Illinois Home Weatherization Assistance Program delivery using the ratepayer dollars collected under this Section.

(Source: P.A. 101-81, eff. 7-12-19; 102-662, eff. 9-15-21; revised 2-28-22.)

(220 ILCS 5/8-201.4)

Sec. 8-201.4. Prohibition on use of utility name or logo by non-utility entity. No non-utility individual, business, or entity shall use a public utility name or logo, in whole or in part, in any manner to market, solicit, sell, or bill for a home ~~(i)~~ insurance, ~~(ii)~~ maintenance, or ~~(iii)~~ warranty product. This prohibition does not apply to activities permitted to implement a program or plan approved by the Commission pursuant to an order entered under this Act. This prohibition does not apply to the partial use by a non-utility entity of a logo belonging to an electric utility that serves fewer than 200,000 customers in this State.

(Source: P.A. 102-928, eff. 1-1-23; revised 12-19-22.)

(220 ILCS 5/14-102) (from Ch. 111 2/3, par. 14-102)

Sec. 14-102. Terms of office, vacancies, restrictions, and removals.

Terms of office. The first members of the transit commission shall be appointed for two, three, and four year terms respectively. The term of office of each member thereafter appointed shall be four years.

Vacancies. Any vacancy in the membership of the transit commission occurring by reason of the death, resignation, disqualification, removal, or inability or refusal to act of any of the members of such transit commission shall be filled by appointment by the mayor by and with the advice and consent of the city council of the city.

Restrictions and removals. Each member of the transit commission shall devote all time necessary to perform properly and adequately the duties of his office, and shall hold no other office or position of profit, or engage in any other business, employment, or vocation to the detriment or neglect of such duties.

No person holding stocks or bonds in any corporation subject to the jurisdiction of the transit commission, or who is in any other manner directly or indirectly pecuniarily interested in any such corporation, shall be appointed as a member of the transit commission or shall be appointed or

employed by the transit commission.

No member of the transit commission or any officer or employee ~~employe~~ of the transit commission shall voluntarily become so interested and if he shall become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest.

No member of the transit commission or any officer or employee ~~employe~~ of the transit commission shall solicit or accept any gift, gratuity, emolument, or employment from any corporation subject to the jurisdiction of the transit commission or from any officer, agent, or employee ~~employe~~ thereof; nor solicit, request, or recommend directly or indirectly, to any such corporation or to any officer, agent, or employee ~~employe~~ thereof, the appointment or employment of any person by any such corporation to any office or position. And no such corporation or any officer, agent, or employee ~~employe~~ thereof, shall offer to any member of the transit commission or any officer or employee ~~employe~~ of the transit commission any gift, gratuity, emolument, or employment.

Violation of any of the provisions of this paragraph by any member, officer, or employee ~~employe~~ of the transit commission shall be ground for his removal from the office or employment held by him.

No member of the transit commission shall be removed from office during the term for which he shall be appointed except upon written charges made and sustained, as hereinafter

provided for violation of any of the provisions of this paragraph, or for malfeasance, misfeasance, or nonfeasance in the discharge of the duties of his office.

Such charges shall be preferred by the mayor in writing to the city council of the city, or by resolution of the city council of the city and shall be investigated by a committee designated by the city council, which shall afford full opportunity to the commissioner complained of to appear and be heard in his own defense and to be represented by counsel.

The finding or decision of such committee shall be reported by it to the city council. In case such finding or decision shall sustain the charges and shall be approved by a vote of two-thirds ~~two thirds~~ of all of the members of the city council, the mayor of the city shall issue a declaration removing such commissioner from office and the vacancy thus created shall be filled as in this Section ~~section~~ provided.
(Source: P.A. 84-617; revised 8-22-22.)

(220 ILCS 5/14-103) (from Ch. 111 2/3, par. 14-103)

Sec. 14-103. Offices, employees ~~employes~~ and supplies, salaries.

Offices. The transit commission shall establish and maintain an office in the city hall of the city or at such other place as the city council of the city shall from time to time authorize or provide.

Such office shall be open for business between the hours

of nine o'clock A. M. and five o'clock P. M. of each week day except holidays, except on Saturdays the hours shall be from nine o'clock A. M. to twelve o'clock noon.

Employees ~~Employes~~ and supplies. The transit commission shall have power to appoint a secretary, and to employ such accountants, engineers, experts, inspectors, clerks, and other employees ~~employes~~ and fix their compensation, and to purchase such furniture, stationery, and other supplies and materials, as are reasonably necessary to enable it properly to perform its duties and exercise its powers.

The secretary and such other employees ~~employes~~ as the transit commission may require shall give bond in such amount and with such security as the transit commission may prescribe.

Salaries and expenses. Each of the members of the transit commission shall receive such annual salary as shall be fixed by the city council of the city.

The salary of any member shall not be reduced during his term of office.

The city council of the city shall have power to provide for the payment of the salaries of all members and the expenses of the transit commission.

(Source: P.A. 84-617; revised 8-22-22.)

(220 ILCS 5/14-104) (from Ch. 111 2/3, par. 14-104)

Sec. 14-104. Rules and regulations, meetings, seal and

authentication of records, etc.

Rules and regulations. Consistent with the provisions of this Article, the transit commission may adopt such rules and regulations and may alter and amend the same as it shall deem advisable relative to the calling, holding, and conduct of its meetings, the transaction of its business, the regulation and control of its agents and employees ~~employes~~, the filing of complaints and petitions and the service of notices thereof and the conduct of hearings thereon, and the performance in general of its duties and powers hereunder.

Meetings. For the purpose of receiving, considering, and acting upon any complaints or applications which may be presented to it or for the purpose of conducting investigations or hearings on its own motion the transit commission shall hold a regular meeting at least once a week except in the months of July and August in each year. In addition to such other meetings of the transit commission as may be held, called or provided for by the rules and regulations of the transit commission, the Chairman shall call a meeting of the transit commission at any time upon the request of the mayor or city council of the city.

Quorum and Majority Rule. Two members of the transit commission shall constitute a quorum to transact business and no vacancy shall impair the right of the remaining commissioners to exercise all the powers of the transit commission; and every finding, order, decision, rule,

regulation, or requirement of the transit commission approved by at least two members thereof shall be deemed to be the finding, order, decision, rule, regulation, or requirement of the transit commission.

Seal, Authentication of records, etc. The transit commission may adopt, keep, and use a common seal, of which judicial notice shall be taken in all courts of this State ~~state~~. Any process, notice, or other instrument which the transit commission may be authorized by law to issue shall be deemed sufficient if signed by the secretary of the transit commission and authenticated by such seal. All acts, orders, decisions, rules, and records of the transit commission, and all reports, schedules, and documents filed with the transit commission may be proved in any court in this State ~~state~~ by a copy thereof certified by the secretary under the seal of the transit commission.

(Source: P.A. 84-617; revised 8-22-22.)

(220 ILCS 5/16-108.5)

Sec. 16-108.5. Infrastructure investment and modernization; regulatory reform.

(a) (Blank).

(b) For purposes of this Section, "participating utility" means an electric utility or a combination utility serving more than 1,000,000 customers in Illinois that voluntarily elects and commits to undertake (i) the infrastructure

investment program consisting of the commitments and obligations described in this subsection (b) and (ii) the customer assistance program consisting of the commitments and obligations described in subsection (b-10) of this Section, notwithstanding any other provisions of this Act and without obtaining any approvals from the Commission or any other agency other than as set forth in this Section, regardless of whether any such approval would otherwise be required. "Combination utility" means a utility that, as of January 1, 2011, provided electric service to at least one million retail customers in Illinois and gas service to at least 500,000 retail customers in Illinois. A participating utility shall recover the expenditures made under the infrastructure investment program through the ratemaking process, including, but not limited to, the performance-based formula rate and process set forth in this Section.

During the infrastructure investment program's peak program year, a participating utility other than a combination utility shall create 2,000 full-time equivalent jobs in Illinois, and a participating utility that is a combination utility shall create 450 full-time equivalent jobs in Illinois related to the provision of electric service. These jobs shall include direct jobs, contractor positions, and induced jobs, but shall not include any portion of a job commitment, not specifically contingent on an amendatory Act of the 97th General Assembly becoming law, between a participating utility

and a labor union that existed on December 30, 2011 (the effective date of Public Act 97-646) and that has not yet been fulfilled. A portion of the full-time equivalent jobs created by each participating utility shall include incremental personnel hired subsequent to December 30, 2011 (the effective date of Public Act 97-646). For purposes of this Section, "peak program year" means the consecutive 12-month period with the highest number of full-time equivalent jobs that occurs between the beginning of investment year 2 and the end of investment year 4.

A participating utility shall meet one of the following commitments, as applicable:

(1) Beginning no later than 180 days after a participating utility other than a combination utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or, beginning no later than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of October 26, 2011 (the effective date of Public Act 97-616), the participating utility shall, except as provided in subsection (b-5):

(A) over a 5-year period, invest an estimated $1,300,000,000 in electric system upgrades, modernization projects, and training facilities, including, but not limited to:

(i) distribution infrastructure improvements

totaling an estimated $1,000,000,000, including underground residential distribution cable injection and replacement and mainline cable system refurbishment and replacement projects;

(ii) training facility construction or upgrade projects totaling an estimated $10,000,000, provided that, at a minimum, one such facility shall be located in a municipality having a population of more than 2 million residents and one such facility shall be located in a municipality having a population of more than 150,000 residents but fewer than 170,000 residents; any such new facility located in a municipality having a population of more than 2 million residents must be designed for the purpose of obtaining, and the owner of the facility shall apply for, certification under the United States Green Building Council's Leadership in Energy Efficiency Design Green Building Rating System;

(iii) wood pole inspection, treatment, and replacement programs;

(iv) an estimated $200,000,000 for reducing the susceptibility of certain circuits to storm-related damage, including, but not limited to, high winds, thunderstorms, and ice storms; improvements may include, but are not limited to,

overhead to underground conversion and other engineered outcomes for circuits; the participating utility shall prioritize the selection of circuits based on each circuit's historical susceptibility to storm-related damage and the ability to provide the greatest customer benefit upon completion of the improvements; to be eligible for improvement, the participating utility's ability to maintain proper tree clearances surrounding the overhead circuit must not have been impeded by third parties; and

(B) over a 10-year period, invest an estimated $1,300,000,000 to upgrade and modernize its transmission and distribution infrastructure and in Smart Grid electric system upgrades, including, but not limited to:

(i) additional smart meters;

(ii) distribution automation;

(iii) associated cyber secure data communication network; and

(iv) substation micro-processor relay upgrades.

(2) Beginning no later than 180 days after a participating utility that is a combination utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or, beginning no later

than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of October 26, 2011 (the effective date of Public Act 97-616), the participating utility shall, except as provided in subsection (b-5):

(A) over a 10-year period, invest an estimated $265,000,000 in electric system upgrades, modernization projects, and training facilities, including, but not limited to:

(i) distribution infrastructure improvements totaling an estimated $245,000,000, which may include bulk supply substations, transformers, reconductoring, and rebuilding overhead distribution and sub-transmission lines, underground residential distribution cable injection and replacement and mainline cable system refurbishment and replacement projects;

(ii) training facility construction or upgrade projects totaling an estimated $1,000,000; any such new facility must be designed for the purpose of obtaining, and the owner of the facility shall apply for, certification under the United States Green Building Council's Leadership in Energy Efficiency Design Green Building Rating System; and

(iii) wood pole inspection, treatment, and

replacement programs; and

(B) over a 10-year period, invest an estimated $360,000,000 to upgrade and modernize its transmission and distribution infrastructure and in Smart Grid electric system upgrades, including, but not limited to:

(i) additional smart meters;

(ii) distribution automation;

(iii) associated cyber secure data communication network; and

(iv) substation micro-processor relay upgrades.

For purposes of this Section, "Smart Grid electric system upgrades" shall have the meaning set forth in subsection (a) of Section 16-108.6 of this Act.

The investments in the infrastructure investment program described in this subsection (b) shall be incremental to the participating utility's annual capital investment program, as defined by, for purposes of this subsection (b), the participating utility's average capital spend for calendar years 2008, 2009, and 2010 as reported in the applicable Federal Energy Regulatory Commission (FERC) Form 1; provided that where one or more utilities have merged, the average capital spend shall be determined using the aggregate of the merged utilities' capital spend reported in FERC Form 1 for the years 2008, 2009, and 2010. A participating utility may

add reasonable construction ramp-up and ramp-down time to the investment periods specified in this subsection (b). For each such investment period, the ramp-up and ramp-down time shall not exceed a total of 6 months.

Within 60 days after filing a tariff under subsection (c) of this Section, a participating utility shall submit to the Commission its plan, including scope, schedule, and staffing, for satisfying its infrastructure investment program commitments pursuant to this subsection (b). The submitted plan shall include a schedule and staffing plan for the next calendar year. The plan shall also include a plan for the creation, operation, and administration of a Smart Grid test bed as described in subsection (c) of Section 16-108.8. The plan need not allocate the work equally over the respective periods, but should allocate material increments throughout such periods commensurate with the work to be undertaken. No later than April 1 of each subsequent year, the utility shall submit to the Commission a report that includes any updates to the plan, a schedule for the next calendar year, the expenditures made for the prior calendar year and cumulatively, and the number of full-time equivalent jobs created for the prior calendar year and cumulatively. If the utility is materially deficient in satisfying a schedule or staffing plan, then the report must also include a corrective action plan to address the deficiency. The fact that the plan, implementation of the plan, or a schedule changes shall not

imply the imprudence or unreasonableness of the infrastructure investment program, plan, or schedule. Further, no later than 45 days following the last day of the first, second, and third quarters of each year of the plan, a participating utility shall submit to the Commission a verified quarterly report for the prior quarter that includes (i) the total number of full-time equivalent jobs created during the prior quarter, (ii) the total number of employees as of the last day of the prior quarter, (iii) the total number of full-time equivalent hours in each job classification or job title, (iv) the total number of incremental employees and contractors in support of the investments undertaken pursuant to this subsection (b) for the prior quarter, and (v) any other information that the Commission may require by rule.

With respect to the participating utility's peak job commitment, if, after considering the utility's corrective action plan and compliance thereunder, the Commission enters an order finding, after notice and hearing, that a participating utility did not satisfy its peak job commitment described in this subsection (b) for reasons that are reasonably within its control, then the Commission shall also determine, after consideration of the evidence, including, but not limited to, evidence submitted by the Department of Commerce and Economic Opportunity and the utility, the deficiency in the number of full-time equivalent jobs during the peak program year due to such failure. The Commission

shall notify the Department of any proceeding that is initiated pursuant to this paragraph. For each full-time equivalent job deficiency during the peak program year that the Commission finds as set forth in this paragraph, the participating utility shall, within 30 days after the entry of the Commission's order, pay $6,000 to a fund for training grants administered under Section 605-800 of the Department of Commerce and Economic Opportunity Law, which shall not be a recoverable expense.

With respect to the participating utility's investment amount commitments, if, after considering the utility's corrective action plan and compliance thereunder, the Commission enters an order finding, after notice and hearing, that a participating utility is not satisfying its investment amount commitments described in this subsection (b), then the utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. In such event, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs.

If the Commission finds that a participating utility is no longer eligible to update the performance-based formula rate tariff pursuant to subsection (d) of this Section, or the performance-based formula rate is otherwise terminated, then

the participating utility's voluntary commitments and obligations under this subsection (b) shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order.

In meeting the obligations of this subsection (b), to the extent feasible and consistent with State and federal law, the investments under the infrastructure investment program should provide employment opportunities for all segments of the population and workforce, including minority-owned and female-owned business enterprises, and shall not, consistent with State and federal law, discriminate based on race or socioeconomic status.

(b-5) Nothing in this Section shall prohibit the Commission from investigating the prudence and reasonableness of the expenditures made under the infrastructure investment program during the annual review required by subsection (d) of this Section and shall, as part of such investigation, determine whether the utility's actual costs under the program are prudent and reasonable. The fact that a participating utility invests more than the minimum amounts specified in subsection (b) of this Section or its plan shall not imply imprudence or unreasonableness.

If the participating utility finds that it is implementing its plan for satisfying the infrastructure investment program commitments described in subsection (b) of this Section at a

cost below the estimated amounts specified in subsection (b) of this Section, then the utility may file a petition with the Commission requesting that it be permitted to satisfy its commitments by spending less than the estimated amounts specified in subsection (b) of this Section. The Commission shall, after notice and hearing, enter its order approving, or approving as modified, or denying each such petition within 150 days after the filing of the petition.

In no event, absent General Assembly approval, shall the capital investment costs incurred by a participating utility other than a combination utility in satisfying its infrastructure investment program commitments described in subsection (b) of this Section exceed $3,000,000,000 or, for a participating utility that is a combination utility, $720,000,000. If the participating utility's updated cost estimates for satisfying its infrastructure investment program commitments described in subsection (b) of this Section exceed the limitation imposed by this subsection (b-5), then it shall submit a report to the Commission that identifies the increased costs and explains the reason or reasons for the increased costs no later than the year in which the utility estimates it will exceed the limitation. The Commission shall review the report and shall, within 90 days after the participating utility files the report, report to the General Assembly its findings regarding the participating utility's report. If the General Assembly does not amend the limitation

imposed by this subsection (b-5), then the utility may modify its plan so as not to exceed the limitation imposed by this subsection (b-5) and may propose corresponding changes to the metrics established pursuant to subparagraphs (5) through (8) of subsection (f) of this Section, and the Commission may modify the metrics and incremental savings goals established pursuant to subsection (f) of this Section accordingly.

(b-10) All participating utilities shall make contributions for an energy low-income and support program in accordance with this subsection. Beginning no later than 180 days after a participating utility files a performance-based formula rate tariff pursuant to subsection (c) of this Section, or beginning no later than January 1, 2012 if such utility files such performance-based formula rate tariff within 14 days of December 30, 2011 (the effective date of Public Act 97-646), and without obtaining any approvals from the Commission or any other agency other than as set forth in this Section, regardless of whether any such approval would otherwise be required, a participating utility other than a combination utility shall pay $10,000,000 per year for 5 years and a participating utility that is a combination utility shall pay $1,000,000 per year for 10 years to the energy low-income and support program, which is intended to fund customer assistance programs with the primary purpose being avoidance of imminent disconnection. Such programs may include:

(1) a residential hardship program that may partner with community-based organizations, including senior citizen organizations, and provides grants to low-income residential customers, including low-income senior citizens, who demonstrate a hardship;

(2) a program that provides grants and other bill payment concessions to veterans with disabilities who demonstrate a hardship and members of the armed services or reserve forces of the United States or members of the Illinois National Guard who are on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor and who demonstrate a hardship;

(3) a budget assistance program that provides tools and education to low-income senior citizens to assist them with obtaining information regarding energy usage and effective means of managing energy costs;

(4) a non-residential special hardship program that provides grants to non-residential customers such as small businesses and non-profit organizations that demonstrate a hardship, including those providing services to senior citizen and low-income customers; and

(5) a performance-based assistance program that provides grants to encourage residential customers to make on-time payments by matching a portion of the customer's payments or providing credits towards arrearages.

The payments made by a participating utility pursuant to this subsection (b-10) shall not be a recoverable expense. A participating utility may elect to fund either new or existing customer assistance programs, including, but not limited to, those that are administered by the utility.

Programs that use funds that are provided by a participating utility to reduce utility bills may be implemented through tariffs that are filed with and reviewed by the Commission. If a utility elects to file tariffs with the Commission to implement all or a portion of the programs, those tariffs shall, regardless of the date actually filed, be deemed accepted and approved, and shall become effective on December 30, 2011 (the effective date of Public Act 97-646). The participating utilities whose customers benefit from the funds that are disbursed as contemplated in this Section shall file annual reports documenting the disbursement of those funds with the Commission. The Commission has the authority to audit disbursement of the funds to ensure they were disbursed consistently with this Section.

If the Commission finds that a participating utility is no longer eligible to update the performance-based formula rate tariff pursuant to subsection (d) of this Section, or the performance-based formula rate is otherwise terminated, then the participating utility's voluntary commitments and obligations under this subsection (b-10) shall immediately terminate.

(c) A participating utility may elect to recover its delivery services costs through a performance-based formula rate approved by the Commission, which shall specify the cost components that form the basis of the rate charged to customers with sufficient specificity to operate in a standardized manner and be updated annually with transparent information that reflects the utility's actual costs to be recovered during the applicable rate year, which is the period beginning with the first billing day of January and extending through the last billing day of the following December. In the event the utility recovers a portion of its costs through automatic adjustment clause tariffs on October 26, 2011 (the effective date of Public Act 97-616), the utility may elect to continue to recover these costs through such tariffs, but then these costs shall not be recovered through the performance-based formula rate. In the event the participating utility, prior to December 30, 2011 (the effective date of Public Act 97-646), filed electric delivery services tariffs with the Commission pursuant to Section 9-201 of this Act that are related to the recovery of its electric delivery services costs that are still pending on December 30, 2011 (the effective date of Public Act 97-646), the participating utility shall, at the time it files its performance-based formula rate tariff with the Commission, also file a notice of withdrawal with the Commission to withdraw the electric delivery services tariffs previously filed pursuant to Section

9-201 of this Act. Upon receipt of such notice, the Commission shall dismiss with prejudice any docket that had been initiated to investigate the electric delivery services tariffs filed pursuant to Section 9-201 of this Act, and such tariffs and the record related thereto shall not be the subject of any further hearing, investigation, or proceeding of any kind related to rates for electric delivery services.

The performance-based formula rate shall be implemented through a tariff filed with the Commission consistent with the provisions of this subsection (c) that shall be applicable to all delivery services customers. The Commission shall initiate and conduct an investigation of the tariff in a manner consistent with the provisions of this subsection (c) and the provisions of Article IX of this Act to the extent they do not conflict with this subsection (c). Except in the case where the Commission finds, after notice and hearing, that a participating utility is not satisfying its investment amount commitments under subsection (b) of this Section, the performance-based formula rate shall remain in effect at the discretion of the utility. The performance-based formula rate approved by the Commission shall do the following:

(1) Provide for the recovery of the utility's actual costs of delivery services that are prudently incurred and reasonable in amount consistent with Commission practice and law. The sole fact that a cost differs from that incurred in a prior calendar year or that an investment is

different from that made in a prior calendar year shall not imply the imprudence or unreasonableness of that cost or investment.

(2) Reflect the utility's actual year-end capital structure for the applicable calendar year, excluding goodwill, subject to a determination of prudence and reasonableness consistent with Commission practice and law. To enable the financing of the incremental capital expenditures, including regulatory assets, for electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State, a participating electric utility's actual year-end capital structure that includes a common equity ratio, excluding goodwill, of up to and including 50% of the total capital structure shall be deemed reasonable and used to set rates.

(3) Include a cost of equity, which shall be calculated as the sum of the following:

(A) the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication; and

(B) 580 basis points.

At such time as the Board of Governors of the Federal Reserve System ceases to include the monthly average

yields of 30-year U.S. Treasury bonds in its weekly H.15 Statistical Release or successor publication, the monthly average yields of the U.S. Treasury bonds then having the longest duration published by the Board of Governors in its weekly H.15 Statistical Release or successor publication shall instead be used for purposes of this paragraph (3).

(4) Permit and set forth protocols, subject to a determination of prudence and reasonableness consistent with Commission practice and law, for the following:

(A) recovery of incentive compensation expense that is based on the achievement of operational metrics, including metrics related to budget controls, outage duration and frequency, safety, customer service, efficiency and productivity, and environmental compliance. Incentive compensation expense that is based on net income or an affiliate's earnings per share shall not be recoverable under the performance-based formula rate;

(B) recovery of pension and other post-employment benefits expense, provided that such costs are supported by an actuarial study;

(C) recovery of severance costs, provided that if the amount is over $3,700,000 for a participating utility that is a combination utility or $10,000,000 for a participating utility that serves more than 3

million retail customers, then the full amount shall be amortized consistent with subparagraph (F) of this paragraph (4);

(D) investment return at a rate equal to the utility's weighted average cost of long-term debt, on the pension assets as, and in the amount, reported in Account 186 (or in such other Account or Accounts as such asset may subsequently be recorded) of the utility's most recently filed FERC Form 1, net of deferred tax benefits;

(E) recovery of the expenses related to the Commission proceeding under this subsection (c) to approve this performance-based formula rate and initial rates or to subsequent proceedings related to the formula, provided that the recovery shall be amortized over a 3-year period; recovery of expenses related to the annual Commission proceedings under subsection (d) of this Section to review the inputs to the performance-based formula rate shall be expensed and recovered through the performance-based formula rate;

(F) amortization over a 5-year period of the full amount of each charge or credit that exceeds $3,700,000 for a participating utility that is a combination utility or $10,000,000 for a participating utility that serves more than 3 million retail

customers in the applicable calendar year and that relates to a workforce reduction program's severance costs, changes in accounting rules, changes in law, compliance with any Commission-initiated audit, or a single storm or other similar expense, provided that any unamortized balance shall be reflected in the rate base. For purposes of this subparagraph (F), changes in law includes any enactment, repeal, or amendment in a law, ordinance, rule, regulation, interpretation, permit, license, consent, or order, including those relating to taxes, accounting, or to environmental matters, or in the interpretation or application thereof by any governmental authority occurring after October 26, 2011 (the effective date of Public Act 97-616);

(G) recovery of existing regulatory assets over the periods previously authorized by the Commission;

(H) historical weather normalized billing determinants; and

(I) allocation methods for common costs.

(5) Provide that if the participating utility's earned rate of return on common equity related to the provision of delivery services for the prior rate year (calculated using costs and capital structure approved by the Commission as provided in subparagraph (2) of this subsection (c), consistent with this Section, in

accordance with Commission rules and orders, including, but not limited to, adjustments for goodwill, and after any Commission-ordered disallowances and taxes) is more than 50 basis points higher than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section), then the participating utility shall apply a credit through the performance-based formula rate that reflects an amount equal to the value of that portion of the earned rate of return on common equity that is more than 50 basis points higher than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section) for the prior rate year, adjusted for taxes. If the participating utility's earned rate of return on common equity related to the provision of delivery services for the prior rate year (calculated using costs and capital structure approved by the Commission as provided in subparagraph (2) of this subsection (c), consistent with this Section, in accordance with Commission rules and orders, including, but not limited to, adjustments for goodwill, and after any

Commission-ordered disallowances and taxes) is more than 50 basis points less than the return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section), then the participating utility shall apply a charge through the performance-based formula rate that reflects an amount equal to the value of that portion of the earned rate of return on common equity that is more than 50 basis points less than the rate of return on common equity calculated pursuant to paragraph (3) of this subsection (c) (after adjusting for any penalties to the rate of return on common equity applied pursuant to the performance metrics provision of subsection (f) of this Section) for the prior rate year, adjusted for taxes.

(6) Provide for an annual reconciliation, as described in subsection (d) of this Section, with interest, of the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section, with what the revenue requirement would have been had the actual cost information for the applicable calendar year been available at the filing date.

The utility shall file, together with its tariff, final

data based on its most recently filed FERC Form 1, plus projected plant additions and correspondingly updated depreciation reserve and expense for the calendar year in which the tariff and data are filed, that shall populate the performance-based formula rate and set the initial delivery services rates under the formula. For purposes of this Section, "FERC Form 1" means the Annual Report of Major Electric Utilities, Licensees and Others that electric utilities are required to file with the Federal Energy Regulatory Commission under the Federal Power Act, Sections 3, 4(a), 304 and 209, modified as necessary to be consistent with 83 Ill. Adm. ~~Admin.~~ Code Part 415 as of May 1, 2011. Nothing in this Section is intended to allow costs that are not otherwise recoverable to be recoverable by virtue of inclusion in FERC Form 1.

After the utility files its proposed performance-based formula rate structure and protocols and initial rates, the Commission shall initiate a docket to review the filing. The Commission shall enter an order approving, or approving as modified, the performance-based formula rate, including the initial rates, as just and reasonable within 270 days after the date on which the tariff was filed, or, if the tariff is filed within 14 days after October 26, 2011 (the effective date of Public Act 97-616), then by May 31, 2012. Such review shall be based on the same evidentiary standards, including, but not limited to, those concerning the prudence and

reasonableness of the costs incurred by the utility, the Commission applies in a hearing to review a filing for a general increase in rates under Article IX of this Act. The initial rates shall take effect within 30 days after the Commission's order approving the performance-based formula rate tariff.

Until such time as the Commission approves a different rate design and cost allocation pursuant to subsection (e) of this Section, rate design and cost allocation across customer classes shall be consistent with the Commission's most recent order regarding the participating utility's request for a general increase in its delivery services rates.

Subsequent changes to the performance-based formula rate structure or protocols shall be made as set forth in Section 9-201 of this Act, but nothing in this subsection (c) is intended to limit the Commission's authority under Article IX and other provisions of this Act to initiate an investigation of a participating utility's performance-based formula rate tariff, provided that any such changes shall be consistent with paragraphs (1) through (6) of this subsection (c). Any change ordered by the Commission shall be made at the same time new rates take effect following the Commission's next order pursuant to subsection (d) of this Section, provided that the new rates take effect no less than 30 days after the date on which the Commission issues an order adopting the change.

A participating utility that files a tariff pursuant to

this subsection (c) must submit a one-time $200,000 filing fee at the time the Chief Clerk of the Commission accepts the filing, which shall be a recoverable expense.

In the event the performance-based formula rate is terminated, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive rate adjustment, with interest, to reconcile rates charged with actual costs. At such time that the performance-based formula rate is terminated, the participating utility's voluntary commitments and obligations under subsection (b) of this Section shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order issued under subsection (b) of this Section.

(d) Subsequent to the Commission's issuance of an order approving the utility's performance-based formula rate structure and protocols, and initial rates under subsection (c) of this Section, the utility shall file, on or before May 1 of each year, with the Chief Clerk of the Commission its updated cost inputs to the performance-based formula rate for the applicable rate year and the corresponding new charges. Each such filing shall conform to the following requirements and include the following information:

(1) The inputs to the performance-based formula rate for the applicable rate year shall be based on final

historical data reflected in the utility's most recently filed annual FERC Form 1 plus projected plant additions and correspondingly updated depreciation reserve and expense for the calendar year in which the inputs are filed. The filing shall also include a reconciliation of the revenue requirement that was in effect for the prior rate year (as set by the cost inputs for the prior rate year) with the actual revenue requirement for the prior rate year (determined using a year-end rate base) that uses amounts reflected in the applicable FERC Form 1 that reports the actual costs for the prior rate year. Any over-collection or under-collection indicated by such reconciliation shall be reflected as a credit against, or recovered as an additional charge to, respectively, with interest calculated at a rate equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, the charges for the applicable rate year. Provided, however, that the first such reconciliation shall be for the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section and shall reconcile (i) the revenue requirement or requirements established by the rate order or orders in effect from time to time during such calendar year (weighted, as applicable) with (ii) the revenue requirement determined using a year-end rate base for that

calendar year calculated pursuant to the performance-based formula rate using (A) actual costs for that year as reflected in the applicable FERC Form 1, and (B) for the first such reconciliation only, the cost of equity, which shall be calculated as the sum of 590 basis points plus the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication. The first such reconciliation is not intended to provide for the recovery of costs previously excluded from rates based on a prior Commission order finding of imprudence or unreasonableness. Each reconciliation shall be certified by the participating utility in the same manner that FERC Form 1 is certified. The filing shall also include the charge or credit, if any, resulting from the calculation required by paragraph (6) of subsection (c) of this Section.

Notwithstanding anything that may be to the contrary, the intent of the reconciliation is to ultimately reconcile the revenue requirement reflected in rates for each calendar year, beginning with the calendar year in which the utility files its performance-based formula rate tariff pursuant to subsection (c) of this Section, with what the revenue requirement determined using a year-end rate base for the applicable calendar year would have been

had the actual cost information for the applicable calendar year been available at the filing date.

(2) The new charges shall take effect beginning on the first billing day of the following January billing period and remain in effect through the last billing day of the next December billing period regardless of whether the Commission enters upon a hearing pursuant to this subsection (d).

(3) The filing shall include relevant and necessary data and documentation for the applicable rate year that is consistent with the Commission's rules applicable to a filing for a general increase in rates or any rules adopted by the Commission to implement this Section. Normalization adjustments shall not be required. Notwithstanding any other provision of this Section or Act or any rule or other requirement adopted by the Commission, a participating utility that is a combination utility with more than one rate zone shall not be required to file a separate set of such data and documentation for each rate zone and may combine such data and documentation into a single set of schedules.

Within 45 days after the utility files its annual update of cost inputs to the performance-based formula rate, the Commission shall have the authority, either upon complaint or its own initiative, but with reasonable notice, to enter upon a hearing concerning the prudence and reasonableness of the

costs incurred by the utility to be recovered during the applicable rate year that are reflected in the inputs to the performance-based formula rate derived from the utility's FERC Form 1. During the course of the hearing, each objection shall be stated with particularity and evidence provided in support thereof, after which the utility shall have the opportunity to rebut the evidence. Discovery shall be allowed consistent with the Commission's Rules of Practice, which Rules shall be enforced by the Commission or the assigned administrative law judge. The Commission shall apply the same evidentiary standards, including, but not limited to, those concerning the prudence and reasonableness of the costs incurred by the utility, in the hearing as it would apply in a hearing to review a filing for a general increase in rates under Article IX of this Act. The Commission shall not, however, have the authority in a proceeding under this subsection (d) to consider or order any changes to the structure or protocols of the performance-based formula rate approved pursuant to subsection (c) of this Section. In a proceeding under this subsection (d), the Commission shall enter its order no later than the earlier of 240 days after the utility's filing of its annual update of cost inputs to the performance-based formula rate or December 31. The Commission's determinations of the prudence and reasonableness of the costs incurred for the applicable calendar year shall be final upon entry of the Commission's order and shall not be subject to reopening,

reexamination, or collateral attack in any other Commission proceeding, case, docket, order, rule or regulation, provided, however, that nothing in this subsection (d) shall prohibit a party from petitioning the Commission to rehear or appeal to the courts the order pursuant to the provisions of this Act.

In the event the Commission does not, either upon complaint or its own initiative, enter upon a hearing within 45 days after the utility files the annual update of cost inputs to its performance-based formula rate, then the costs incurred for the applicable calendar year shall be deemed prudent and reasonable, and the filed charges shall not be subject to reopening, reexamination, or collateral attack in any other proceeding, case, docket, order, rule, or regulation.

A participating utility's first filing of the updated cost inputs, and any Commission investigation of such inputs pursuant to this subsection (d) shall proceed notwithstanding the fact that the Commission's investigation under subsection (c) of this Section is still pending and notwithstanding any other law, order, rule, or Commission practice to the contrary.

(e) Nothing in subsections (c) or (d) of this Section shall prohibit the Commission from investigating, or a participating utility from filing, revenue-neutral tariff changes related to rate design of a performance-based formula rate that has been placed into effect for the utility.

Following approval of a participating utility's performance-based formula rate tariff pursuant to subsection (c) of this Section, the utility shall make a filing with the Commission within one year after the effective date of the performance-based formula rate tariff that proposes changes to the tariff to incorporate the findings of any final rate design orders of the Commission applicable to the participating utility and entered subsequent to the Commission's approval of the tariff. The Commission shall, after notice and hearing, enter its order approving, or approving with modification, the proposed changes to the performance-based formula rate tariff within 240 days after the utility's filing. Following such approval, the utility shall make a filing with the Commission during each subsequent 3-year period that either proposes revenue-neutral tariff changes or re-files the existing tariffs without change, which shall present the Commission with an opportunity to suspend the tariffs and consider revenue-neutral tariff changes related to rate design.

(f) Within 30 days after the filing of a tariff pursuant to subsection (c) of this Section, each participating utility shall develop and file with the Commission multi-year metrics designed to achieve, ratably (i.e., in equal segments) over a 10-year period, improvement over baseline performance values as follows:

(1) Twenty percent improvement in the System Average

Interruption Frequency Index, using a baseline of the average of the data from 2001 through 2010.

(2) Fifteen percent improvement in the system Customer Average Interruption Duration Index, using a baseline of the average of the data from 2001 through 2010.

(3) For a participating utility other than a combination utility, 20% improvement in the System Average Interruption Frequency Index for its Southern Region, using a baseline of the average of the data from 2001 through 2010. For purposes of this paragraph (3), Southern Region shall have the meaning set forth in the participating utility's most recent report filed pursuant to Section 16-125 of this Act.

(3.5) For a participating utility other than a combination utility, 20% improvement in the System Average Interruption Frequency Index for its Northeastern Region, using a baseline of the average of the data from 2001 through 2010. For purposes of this paragraph (3.5), Northeastern Region shall have the meaning set forth in the participating utility's most recent report filed pursuant to Section 16-125 of this Act.

(4) Seventy-five percent improvement in the total number of customers who exceed the service reliability targets as set forth in subparagraphs (A) through (C) of paragraph (4) of subsection (b) of 83 Ill. Adm. ~~Admin.~~ Code ~~Part~~ 411.140 as of May 1, 2011, using 2010 as the

baseline year.

(5) Reduction in issuance of estimated electric bills: 90% improvement for a participating utility other than a combination utility, and 56% improvement for a participating utility that is a combination utility, using a baseline of the average number of estimated bills for the years 2008 through 2010.

(6) Consumption on inactive meters: 90% improvement for a participating utility other than a combination utility, and 56% improvement for a participating utility that is a combination utility, using a baseline of the average unbilled kilowatthours for the years 2009 and 2010.

(7) Unaccounted for energy: 50% improvement for a participating utility other than a combination utility using a baseline of the non-technical line loss unaccounted for energy kilowatthours for the year 2009.

(8) Uncollectible expense: reduce uncollectible expense by at least $30,000,000 for a participating utility other than a combination utility and by at least $3,500,000 for a participating utility that is a combination utility, using a baseline of the average uncollectible expense for the years 2008 through 2010.

(9) Opportunities for minority-owned and female-owned business enterprises: design a performance metric regarding the creation of opportunities for minority-owned

and female-owned business enterprises consistent with State and federal law using a base performance value of the percentage of the participating utility's capital expenditures that were paid to minority-owned and female-owned business enterprises in 2010.

The definitions set forth in 83 Ill. Adm. ~~Admin.~~ Code ~~Part~~ 411.20 as of May 1, 2011 shall be used for purposes of calculating performance under paragraphs (1) through (3.5) of this subsection (f), provided, however, that the participating utility may exclude up to 9 extreme weather event days from such calculation for each year, and provided further that the participating utility shall exclude 9 extreme weather event days when calculating each year of the baseline period to the extent that there are 9 such days in a given year of the baseline period. For purposes of this Section, an extreme weather event day is a 24-hour calendar day (beginning at 12:00 a.m. and ending at 11:59 p.m.) during which any weather event (e.g., storm, tornado) caused interruptions for 10,000 or more of the participating utility's customers for 3 hours or more. If there are more than 9 extreme weather event days in a year, then the utility may choose no more than 9 extreme weather event days to exclude, provided that the same extreme weather event days are excluded from each of the calculations performed under paragraphs (1) through (3.5) of this subsection (f).

The metrics shall include incremental performance goals

for each year of the 10-year period, which shall be designed to demonstrate that the utility is on track to achieve the performance goal in each category at the end of the 10-year period. The utility shall elect when the 10-year period shall commence for the metrics set forth in subparagraphs (1) through (4) and (9) of this subsection (f), provided that it begins no later than 14 months following the date on which the utility begins investing pursuant to subsection (b) of this Section, and when the 10-year period shall commence for the metrics set forth in subparagraphs (5) through (8) of this subsection (f), provided that it begins no later than 14 months following the date on which the Commission enters its order approving the utility's Advanced Metering Infrastructure Deployment Plan pursuant to subsection (c) of Section 16-108.6 of this Act.

The metrics and performance goals set forth in subparagraphs (5) through (8) of this subsection (f) are based on the assumptions that the participating utility may fully implement the technology described in subsection (b) of this Section, including utilizing the full functionality of such technology and that there is no requirement for personal on-site notification. If the utility is unable to meet the metrics and performance goals set forth in subparagraphs (5) through (8) of this subsection (f) for such reasons, and the Commission so finds after notice and hearing, then the utility shall be excused from compliance, but only to the limited

extent achievement of the affected metrics and performance goals was hindered by the less than full implementation.

(f-5) The financial penalties applicable to the metrics described in subparagraphs (1) through (8) of subsection (f) of this Section, as applicable, shall be applied through an adjustment to the participating utility's return on equity of no more than a total of 30 basis points in each of the first 3 years, of no more than a total of 34 basis points in each of the 3 years thereafter, and of no more than a total of 38 basis points in each of the 4 years thereafter, as follows:

(1) With respect to each of the incremental annual performance goals established pursuant to paragraph (1) of subsection (f) of this Section,

(A) for each year that a participating utility other than a combination utility does not achieve the annual goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points; and

(B) for each year that a participating utility that is a combination utility does not achieve the annual goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 10 basis points; during years 4 through 6, by 12 basis points; and during years 7 through 10,

by 14 basis points.

(2) With respect to each of the incremental annual performance goals established pursuant to paragraph (2) of subsection (f) of this Section, for each year that the participating utility does not achieve each such goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points.

(3) With respect to each of the incremental annual performance goals established pursuant to paragraphs (3) and (3.5) of subsection (f) of this Section, for each year that a participating utility other than a combination utility does not achieve both such goals, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points.

(4) With respect to each of the incremental annual performance goals established pursuant to paragraph (4) of subsection (f) of this Section, for each year that the participating utility does not achieve each such goal, the participating utility's return on equity shall be reduced as follows: during years 1 through 3, by 5 basis points; during years 4 through 6, by 6 basis points; and during years 7 through 10, by 7 basis points.

(5) With respect to each of the incremental annual performance goals established pursuant to subparagraph (5) of subsection (f) of this Section, for each year that the participating utility does not achieve at least 95% of each such goal, the participating utility's return on equity shall be reduced by 5 basis points for each such unachieved goal.

(6) With respect to each of the incremental annual performance goals established pursuant to paragraphs (6), (7), and (8) of subsection (f) of this Section, as applicable, which together measure non-operational customer savings and benefits relating to the implementation of the Advanced Metering Infrastructure Deployment Plan, as defined in Section 16-108.6 of this Act, the performance under each such goal shall be calculated in terms of the percentage of the goal achieved. The percentage of goal achieved for each of the goals shall be aggregated, and an average percentage value calculated, for each year of the 10-year period. If the utility does not achieve an average percentage value in a given year of at least 95%, the participating utility's return on equity shall be reduced by 5 basis points.

The financial penalties shall be applied as described in this subsection (f-5) for the 12-month period in which the deficiency occurred through a separate tariff mechanism, which shall be filed by the utility together with its metrics. In the

event the formula rate tariff established pursuant to subsection (c) of this Section terminates, the utility's obligations under subsection (f) of this Section and this subsection (f-5) shall also terminate, provided, however, that the tariff mechanism established pursuant to subsection (f) of this Section and this subsection (f-5) shall remain in effect until any penalties due and owing at the time of such termination are applied.

The Commission shall, after notice and hearing, enter an order within 120 days after the metrics are filed approving, or approving with modification, a participating utility's tariff or mechanism to satisfy the metrics set forth in subsection (f) of this Section. On June 1 of each subsequent year, each participating utility shall file a report with the Commission that includes, among other things, a description of how the participating utility performed under each metric and an identification of any extraordinary events that adversely impacted the utility's performance. Whenever a participating utility does not satisfy the metrics required pursuant to subsection (f) of this Section, the Commission shall, after notice and hearing, enter an order approving financial penalties in accordance with this subsection (f-5). The Commission-approved financial penalties shall be applied beginning with the next rate year. Nothing in this Section shall authorize the Commission to reduce or otherwise obviate the imposition of financial penalties for failing to achieve

one or more of the metrics established pursuant to subparagraphs ~~subparagraph~~ (1) through (4) of subsection (f) of this Section.

(g) On or before July 31, 2014, each participating utility shall file a report with the Commission that sets forth the average annual increase in the average amount paid per kilowatthour for residential eligible retail customers, exclusive of the effects of energy efficiency programs, comparing the 12-month period ending May 31, 2012; the 12-month period ending May 31, 2013; and the 12-month period ending May 31, 2014. For a participating utility that is a combination utility with more than one rate zone, the weighted average aggregate increase shall be provided. The report shall be filed together with a statement from an independent auditor attesting to the accuracy of the report. The cost of the independent auditor shall be borne by the participating utility and shall not be a recoverable expense. "The average amount paid per kilowatthour" shall be based on the participating utility's tariffed rates actually in effect and shall not be calculated using any hypothetical rate or adjustments to actual charges (other than as specified for energy efficiency) as an input.

In the event that the average annual increase exceeds 2.5% as calculated pursuant to this subsection (g), then Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other than this subsection, shall be inoperative as they relate to

the utility and its service area as of the date of the report due to be submitted pursuant to this subsection and the utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. In such event, the then current rates shall remain in effect until such time as new rates are set pursuant to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs, and the participating utility's voluntary commitments and obligations under subsection (b) of this Section shall immediately terminate, except for the utility's obligation to pay an amount already owed to the fund for training grants pursuant to a Commission order issued under subsection (b) of this Section.

In the event that the average annual increase is 2.5% or less as calculated pursuant to this subsection (g), then the performance-based formula rate shall remain in effect as set forth in this Section.

For purposes of this Section, the amount per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis, and the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges, and add-on taxes exclusive of any increases in taxes or new taxes imposed after October 26, 2011 (the effective date of Public Act 97-616). For purposes of this Section, "eligible retail

customers" shall have the meaning set forth in Section 16-111.5 of this Act.

The fact that this Section becomes inoperative as set forth in this subsection shall not be construed to mean that the Commission may reexamine or otherwise reopen prudence or reasonableness determinations already made.

(h) By December 31, 2017, the Commission shall prepare and file with the General Assembly a report on the infrastructure program and the performance-based formula rate. The report shall include the change in the average amount per kilowatthour paid by residential customers between June 1, 2011 and May 31, 2017. If the change in the total average rate paid exceeds 2.5% compounded annually, the Commission shall include in the report an analysis that shows the portion of the change due to the delivery services component and the portion of the change due to the supply component of the rate. The report shall include separate sections for each participating utility.

Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other than this subsection (h) and subsection (i) of this Section, are inoperative after December 31, 2022 for every participating utility, after which time a participating utility shall no longer be eligible to annually update the performance-based formula rate tariff pursuant to subsection (d) of this Section. At such time, the then current rates shall remain in effect until such time as new rates are set pursuant

to Article IX of this Act, subject to retroactive adjustment, with interest, to reconcile rates charged with actual costs.

The fact that this Section becomes inoperative as set forth in this subsection shall not be construed to mean that the Commission may reexamine or otherwise reopen prudence or reasonableness determinations already made.

(i) While a participating utility may use, develop, and maintain broadband systems and the delivery of broadband services, voice-over-internet-protocol services, telecommunications services, and cable and video programming services for use in providing delivery services and Smart Grid functionality or application to its retail customers, including, but not limited to, the installation, implementation and maintenance of Smart Grid electric system upgrades as defined in Section 16-108.6 of this Act, a participating utility is prohibited from providing to its retail customers broadband services, voice-over-internet-protocol services, telecommunications services, or cable or video programming services, unless they are part of a service directly related to delivery services or Smart Grid functionality or applications as defined in Section 16-108.6 of this Act, and from recovering the costs of such offerings from retail customers. The prohibition set forth in this subsection (i) is inoperative after December 31, 2027 for every participating utility.

(j) Nothing in this Section is intended to legislatively

overturn the opinion issued in Commonwealth Edison Co. v. Ill. Commerce Comm'n, Nos. 2-08-0959, 2-08-1037, 2-08-1137, 1-08-3008, 1-08-3030, 1-08-3054, 1-08-3313 cons. (Ill. App. Ct. 2d Dist. Sept. 30, 2010). Public Act 97-616 shall not be construed as creating a contract between the General Assembly and the participating utility, and shall not establish a property right in the participating utility.

(k) The changes made in subsections (c) and (d) of this Section by Public Act 98-15 are intended to be a restatement and clarification of existing law, and intended to give binding effect to the provisions of House Resolution 1157 adopted by the House of Representatives of the 97th General Assembly and Senate Resolution 821 adopted by the Senate of the 97th General Assembly that are reflected in paragraph (3) of this subsection. In addition, Public Act 98-15 preempts and supersedes any final Commission orders entered in Docket Nos. 11-0721, 12-0001, 12-0293, and 12-0321 to the extent inconsistent with the amendatory language added to subsections (c) and (d).

(1) No earlier than 5 business days after May 22, 2013 (the effective date of Public Act 98-15), each participating utility shall file any tariff changes necessary to implement the amendatory language set forth in subsections (c) and (d) of this Section by Public Act 98-15 and a revised revenue requirement under the participating utility's performance-based formula rate.

The Commission shall enter a final order approving such tariff changes and revised revenue requirement within 21 days after the participating utility's filing.

(2) Notwithstanding anything that may be to the contrary, a participating utility may file a tariff to retroactively recover its previously unrecovered actual costs of delivery service that are no longer subject to recovery through a reconciliation adjustment under subsection (d) of this Section. This retroactive recovery shall include any derivative adjustments resulting from the changes to subsections (c) and (d) of this Section by Public Act 98-15. Such tariff shall allow the utility to assess, on current customer bills over a period of 12 monthly billing periods, a charge or credit related to those unrecovered costs with interest at the utility's weighted average cost of capital during the period in which those costs were unrecovered. A participating utility may file a tariff that implements a retroactive charge or credit as described in this paragraph for amounts not otherwise included in the tariff filing provided for in paragraph (1) of this subsection (k). The Commission shall enter a final order approving such tariff within 21 days after the participating utility's filing.

(3) The tariff changes described in paragraphs (1) and (2) of this subsection (k) shall relate only to, and be consistent with, the following provisions of Public Act

98-15: paragraph (2) of subsection (c) regarding year-end capital structure, subparagraph (D) of paragraph (4) of subsection (c) regarding pension assets, and subsection (d) regarding the reconciliation components related to year-end rate base and interest calculated at a rate equal to the utility's weighted average cost of capital.

(4) Nothing in this subsection is intended to effect a dismissal of or otherwise affect an appeal from any final Commission orders entered in Docket Nos. 11-0721, 12-0001, 12-0293, and 12-0321 other than to the extent of the amendatory language contained in subsections (c) and (d) of this Section of Public Act 98-15.

(l) Each participating utility shall be deemed to have been in full compliance with all requirements of subsection (b) of this Section, subsection (c) of this Section, Section 16-108.6 of this Act, and all Commission orders entered pursuant to Sections 16-108.5 and 16-108.6 of this Act, up to and including May 22, 2013 (the effective date of Public Act 98-15). The Commission shall not undertake any investigation of such compliance and no penalty shall be assessed or adverse action taken against a participating utility for noncompliance with Commission orders associated with subsection (b) of this Section, subsection (c) of this Section, and Section 16-108.6 of this Act prior to such date. Each participating utility other than a combination utility shall be permitted, without penalty, a period of 12 months after such effective date to

take actions required to ensure its infrastructure investment program is in compliance with subsection (b) of this Section and with Section 16-108.6 of this Act. Provided further, the following subparagraphs shall apply to a participating utility other than a combination utility:

(A) if the Commission has initiated a proceeding pursuant to subsection (e) of Section 16-108.6 of this Act that is pending as of May 22, 2013 (the effective date of Public Act 98-15), then the order entered in such proceeding shall, after notice and hearing, accelerate the commencement of the meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298;

(B) if the Commission has entered an order pursuant to subsection (e) of Section 16-108.6 of this Act prior to May 22, 2013 (the effective date of Public Act 98-15) that does not accelerate the commencement of the meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298, then the utility shall file with the Commission, within 45 days after such effective date, a plan for accelerating the commencement of the utility's meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298; the Commission shall reopen the proceeding in which it entered its order pursuant to subsection (e) of Section 16-108.6 of this Act and shall,

after notice and hearing, enter an amendatory order that approves or approves as modified such accelerated plan within 90 days after the utility's filing; or

(C) if the Commission has not initiated a proceeding pursuant to subsection (e) of Section 16-108.6 of this Act prior to May 22, 2013 (the effective date of Public Act 98-15), then the utility shall file with the Commission, within 45 days after such effective date, a plan for accelerating the commencement of the utility's meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298 and the Commission shall, after notice and hearing, approve or approve as modified such plan within 90 days after the utility's filing.

Any schedule for meter deployment approved by the Commission pursuant to this subsection (l) shall take into consideration procurement times for meters and other equipment and operational issues. Nothing in Public Act 98-15 shall shorten or extend the end dates for the 5-year or 10-year periods set forth in subsection (b) of this Section or Section 16-108.6 of this Act. Nothing in this subsection is intended to address whether a participating utility has, or has not, satisfied any or all of the metrics and performance goals established pursuant to subsection (f) of this Section.

(m) The provisions of Public Act 98-15 are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 102-1031, eff. 5-27-22; revised 8-22-22.)

Section 460. The Broadband Advisory Council Act is amended by changing Section 15 as follows:

(220 ILCS 80/15)

Sec. 15. Broadband Advisory Council; members of Council; administrative support.

(a) The Broadband Advisory Council is hereby established. The Department of Commerce and Economic Opportunity shall house the Council and provide administrative, personnel, and technical support services.

(b) The Council shall consist of the following 25 voting members:

(1) the Director of Commerce and Economic Opportunity or his or her designee, who shall serve as chair of the Council;

(2) the Secretary of Innovation and Technology or his or her designee;

(3) the Director of Aging or his or her designee;

(4) the Attorney General or his or her designee;

(5) the Chairman of the Illinois Commerce Commission or his or her designee;

(6) one member appointed by the Director of Healthcare and Family Services to represent the needs of disabled citizens;

(7) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of a statewide organization representing electric cooperatives;

(8) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the executive director of a statewide organization representing municipalities;

(9) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of a statewide organization representing libraries;

(10) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of a statewide organization representing public housing authorities;

(11) one member appointed by the Chair of the Illinois Community College Board;

(12) one member appointed by the Chair of the Illinois Board of Higher Education; ~~and~~

(13) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of the State's largest general farm organization;

(14) one member appointed by the Director of Aging and nominated by an organization representing Illinois' senior population with a membership of at least 1,500,000;

(15) seven members to represent broadband providers

for 3-year terms appointed by the Governor as follows:

(A) one member representing an incumbent local exchange carrier that serves rural areas;

(B) one member representing an incumbent local exchange carrier that serves urban areas;

(C) one member representing wireless carriers that offer broadband Internet access;

(D) one member representing cable companies that serve Illinois;

(E) one member representing a statewide rural broadband association;

(F) one member representing a telecommunications carrier issued a certificate of public convenience and necessity or a certificate of service authority from the Illinois Commerce Commission, whose principal place of business is located in east central Illinois and who is engaged in providing broadband access in rural areas through the installation of broadband lines that connect telecommunications facilities to other telecommunications facilities or to end-users; and

(G) one member representing satellite providers; and

(16) four members to represent underrepresented and ethnically diverse communities for 3-year terms appointed by the Governor as follows:

(A) one member from a community-based organization representing the interests of African-American or Black individuals;

(B) one member from a community-based organization representing the interests of Hispanic or Latino individuals;

(C) one member from a community-based organization representing the interests of Asian-American or Pacific Islander individuals; and

(D) one member from a community-based organization representing the interests of ethnically diverse individuals.

(c) In addition to the 25 voting members of the Council, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint one non-voting member of the Council.

(d) All voting and non-voting members must be appointed within 90 days after the effective date of this Act.

(e) The members shall select a vice chair from their number. In the absence of the chair, the vice chair shall serve as chair. The Council shall appoint a secretary-treasurer who need not be a member of the Council and who, among other tasks or functions designated by the Council, shall keep records of its proceedings.

(f) The Council may appoint working groups to investigate

and make recommendations to the full Council. Members of these working groups need not be members of the Council.

(g) Nine voting members of the Council constitute a quorum, and the affirmative vote of a simple majority of those members present is necessary for any action taken by vote of the Council.

(h) The Council shall conduct its first meeting within 30 days after all members have been appointed. The Council shall meet quarterly after its first meeting. Additional hearings and public meetings are permitted at the discretion of the members. The Council may meet in person or through video or audio conference.

(i) Members shall serve without compensation and may be reimbursed for reasonable expenses incurred in the performance of their duties from funds appropriated for that purpose.
(Source: P.A. 102-247, eff. 1-1-22; revised 8-19-22.)

Section 465. The Illinois Athletic Trainers Practice Act is amended by changing Section 4 as follows:

(225 ILCS 5/4) (from Ch. 111, par. 7604)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4. Licensure; exempt activities. No person shall provide any of the services set forth in subsection (4) of Section 3 of this Act, or use the title "athletic trainer"<u>,</u> ~~or~~ "certified athletic trainer"<u>,</u> ~~or~~ "athletic trainer certified"<u>,</u>

or "licensed athletic trainer" or the letters "LAT", "L.A.T.", "A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after the athletic trainer's name, unless licensed under this Act.

Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed or registered in this State by any other law from engaging in the profession or occupation for which he or she is licensed or registered.

(2) Any person employed as an athletic trainer by the Government of the United States, if such person provides athletic training solely under the direction or control of the organization by which he or she is employed.

(3) Any person pursuing a course of study leading to a degree in athletic training at an accredited educational program if such activities and services constitute a part of a supervised course of study involving daily personal or verbal contact at the site of supervision between the athletic training student and the licensed athletic trainer who plans, directs, advises, and evaluates the student's athletic training clinical education. The supervising licensed athletic trainer must be on-site where the athletic training clinical education is being obtained. A person meeting the criteria under this paragraph (3) must be designated by a title which clearly indicates his or her status as a student.

(4) (Blank).

(5) The practice of athletic training under the supervision of a licensed athletic trainer by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9 except the passing of the examination to be eligible to receive such license. This temporary right to act as an athletic trainer shall expire 3 months after the filing of his or her written application to the Department; when the applicant has been notified of his or her failure to pass the examination authorized by the Department; when the applicant has withdrawn his or her application; when the applicant has received a license from the Department after successfully passing the examination authorized by the Department; or when the applicant has been notified by the Department to cease and desist from practicing, whichever occurs first. This provision shall not apply to an applicant who has previously failed the examination.

(6) Any person in a coaching position from rendering emergency care on an as needed basis to the athletes under his or her supervision when a licensed athletic trainer is not available.

(7) Any person who is an athletic trainer from another state or territory of the United States or another nation, state, or territory acting as an athletic trainer while performing his or her duties for his or her respective non-Illinois based team or organization, so long as he or

she restricts his or her duties to his or her team or organization during the course of his or her team's or organization's stay in this State. For the purposes of this Act, a team shall be considered based in Illinois if its home contests are held in Illinois, regardless of the location of the team's administrative offices.

(8) The practice of athletic training by persons licensed in another state who have applied in writing to the Department for licensure by endorsement. This temporary right to act as an athletic trainer shall expire 6 months after the filing of his or her written application to the Department; upon the withdrawal of the application for licensure under this Act; upon delivery of a notice of intent to deny the application from the Department; or upon the denial of the application by the Department, whichever occurs first.

(9) The practice of athletic training by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9. This temporary right to act as an athletic trainer shall expire 6 months after the filing of his or her written application to the Department; upon the withdrawal of the application for licensure under this Act; upon delivery of a notice of intent to deny the application from the Department; or upon the denial of the application by the Department, whichever occurs first.

(10) The practice of athletic training by persons actively licensed as an athletic trainer in another state or territory of the United States or another country, or currently certified by the Board of Certification, or its successor entity, at a special athletic tournament or event conducted by a sanctioned amateur athletic organization for no more than 14 days. This shall not include contests or events that are part of a scheduled series of regular season events.

(11) Aides from performing patient care activities under the on-site supervision of a licensed athletic trainer. These patient care activities shall not include interpretation of referrals or evaluation procedures, planning or major modifications of patient programs, administration of medication, or solo practice or event coverage without immediate access to a licensed athletic trainer.

(12) (Blank). ~~Persons or entities practicing the specified occupations set forth in subsection (a) of, and pursuant to a licensing exemption granted in subsection (b) or (d) of, Section 2105-350 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, but only for so long as the 2016 Olympic and Paralympic Games Professional Licensure Exemption Law is operable.~~

(Source: P.A. 102-940, eff. 1-1-23; revised 12-9-22.)

Section 470. The Dietitian Nutritionist Practice Act is amended by changing Sections 100 and 105 as follows:

(225 ILCS 30/100) (from Ch. 111, par. 8401-100)

(Section scheduled to be repealed on January 1, 2028)

Sec. 100. Injunctions; cease and desist orders.

(a) If any person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois or the State's Attorney of the county in which the violation is alleged to have occurred, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person provides, offers to provide, attempts to provide or holds himself or herself out as qualified, licensed, or able to provide medical nutrition therapy or holds oneself out as licensed or qualified to practice dietetics and nutrition or holds oneself out as a licensed

dietitian nutritionist or uses words or letters in connection with the person's name in violation of Section 80 without having a valid license under this Act, then any licensee, any interested party, or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an ~~in~~ order to cease and desist to be issued immediately.

(Source: P.A. 102-945, eff. 1-1-23; revised 12-9-22.)

(225 ILCS 30/105) (from Ch. 111, par. 8401-105)

(Section scheduled to be repealed on January 1, 2028)

Sec. 105. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any applicant or of any person or persons holding or claiming to hold a license or certificate of registration. The Department shall, before refusing to issue or renew a license or to discipline a licensee under Section 95, at least 30 days before the date set for the hearing, (i) notify the accused in

writing of any charges made and the time and place for a hearing of the charges, (ii) direct him or her to file his or her written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant or licensee that failure to file an answer shall result in a default judgment being entered ~~n~~ against the applicant or licensee. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license, may, in the discretion of the Department, be revoked, suspended, or placed on probationary status or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The written notice and any notice in the subsequent proceeding may be served by mail to the licensee's address of record or by email to the licensee's email address of record.

(Source: P.A. 102-945, eff. 1-1-23; revised 12-9-22.)

Section 475. The Licensed Certified Professional Midwife

Practice Act is amended by changing Section 10 as follows:

(225 ILCS 64/10)

(Section scheduled to be repealed on January 1, 2027)

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

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's licensure file as maintained by the Department.

"Antepartum" means before labor or childbirth.

"Board" means the Illinois Midwifery Board.

"Certified nurse midwife" means an individual <u>who is</u> licensed under the Nurse Practice Act as an advanced practice registered nurse and is certified as a nurse midwife.

"Client" means a childbearing individual or newborn for whom a licensed certified professional midwife provides services.

"Consultation" means the process by which a licensed certified professional midwife seeks the advice or opinion of another health care professional.

"Department" means the Department of Financial and Professional Regulation.

"Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's licensure file as maintained by the Department.

"Health care professional" means an advanced practice

registered nurse or a physician licensed to practice medicine in all of its branches.

"Intrapartum" means during labor and delivery or childbirth.

"Licensed certified professional midwife" means a person who has successfully met the requirements under Section 45 of this Act and has been licensed by the Department.

"Low-risk" means a low-risk pregnancy where there is an absence of any preexisting maternal disease, significant disease arising from the pregnancy, or any condition likely to affect the pregnancy, including, but not limited to, those listed in Section 85.

"Midwife assistant" means a person, at least 18 years of age, who performs basic administrative, clerical, and supportive services under the supervision of a certified professional midwife, is educated to provide both basic and emergency care to newborns and mothers during labor, delivery, and immediately postpartum, and who maintains Neonatal Resuscitation Program provider status and cardiopulmonary resuscitation certification.

"Midwifery bridge certificate" means a certificate issued by the North American Registry of Midwives that documents completion of accredited continuing education for certified professional midwives based upon identified areas to address education in emergency skills and other competencies set by the international confederation of midwives.

"Midwifery Education and Accreditation Council" or "MEAC" means the nationally recognized accrediting agency, or its successor, that establishes standards for the education of direct-entry midwives in the United States.

"National Association of Certified Professional Midwives" or "NACPM" means the professional organization, or its successor, that promotes the growth and development of the profession of certified professional midwives.

"North American Registry of Midwives" or "NARM" means the accredited international agency, or its successor organization, that has established and has continued to administer certification for the credentialing of certified professional midwives, including the administration of a national competency examination.

"Onset of care" means the initial prenatal visit upon an agreement between a licensed certified professional midwife and client to establish a midwife-client relationship, during which the licensed certified professional midwife may take a client's medical history, complete an exam, establish a client's record, or perform other services related to establishing care. "Onset of care" does not include an initial interview where information about the licensed certified professional midwife's practice is shared but no midwife-client relationship is established.

"Pediatric health care professional" means a licensed physician specializing in the care of children, a family

practice physician, or an advanced practice registered nurse licensed under the Nurse Practice Act and certified as a Pediatric Nurse Practitioner or Family Nurse Practitioner.

"Physician" means a physician licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches.

"Postpartum period" means the first 6 weeks after delivery.

"Practice of midwifery" means providing the necessary supervision, care, and advice to a client during a low-risk pregnancy, labor, and the postpartum period, including the intended low-risk delivery of a child, and providing normal newborn care. "Practice of midwifery" does not include the practice of medicine or nursing.

"Qualified midwife preceptor" means a licensed and experienced midwife or other health professional licensed in the State who participated in the clinical education of individuals enrolled in a midwifery education institution, program, or pathway accredited by the midwifery education accreditation council and who meet the criteria for midwife preceptors by NARM or its successor organization.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Supportive services" means simple routine medical tasks and procedures for which the midwife assistant or student midwife is appropriately trained.

(Source: P.A. 102-683, eff. 10-1-22; 102-963, eff. 5-27-22; revised 10-17-22.)

Section 480. The Nurse Practice Act is amended by changing Section 50-10 as follows:

(225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

(Section scheduled to be repealed on January 1, 2028)

Sec. 50-10. Definitions. Each of the following terms, when used in this Act, shall have the meaning ascribed to it in this Section, except where the context clearly indicates otherwise:

"Academic year" means the customary annual schedule of courses at a college, university, or approved school, customarily regarded as the school year as distinguished from the calendar year.

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit.

"Advanced practice registered nurse" or "APRN" means a person who has met the qualifications for a (i) certified nurse midwife (CNM); (ii) certified nurse practitioner (CNP); (iii) certified registered nurse anesthetist (CRNA); or (iv) clinical nurse specialist (CNS) and has been licensed by the Department. All advanced practice registered nurses licensed and practicing in the State of Illinois shall use the title

APRN and may use specialty credentials CNM, CNP, CRNA, or CNS after their name. All advanced practice registered nurses may only practice in accordance with national certification and this Act.

"Advisory Board" means the Illinois Nursing Workforce Center Advisory Board.

"Approved program of professional nursing education" and "approved program of practical nursing education" are programs of professional or practical nursing, respectively, approved by the Department under the provisions of this Act.

"Board" means the Board of Nursing appointed by the Secretary.

"Center" means the Illinois Nursing Workforce Center.

"Collaboration" means a process involving 2 or more health care professionals working together, each contributing one's respective area of expertise to provide more comprehensive patient care.

"Competence" means an expected and measurable level of performance that integrates knowledge, skills, abilities, and judgment based on established scientific knowledge and expectations for nursing practice.

"Comprehensive nursing assessment" means the gathering of information about the patient's physiological, psychological, sociological, and spiritual status on an ongoing basis by a registered professional nurse and is the first step in implementing and guiding the nursing plan of care.

"Consultation" means the process whereby an advanced practice registered nurse seeks the advice or opinion of another health care professional.

"Credentialed" means the process of assessing and validating the qualifications of a health care professional.

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act.

"Department" means the Department of Financial and Professional Regulation.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Focused nursing assessment" means an appraisal of an individual's status and current situation, contributing to the comprehensive nursing assessment performed by the registered professional nurse or advanced practice registered nurse or the assessment by the physician assistant, physician, dentist, podiatric physician, or other licensed health care professional, as determined by the Department, supporting ongoing data collection, and deciding who needs to be informed of the information and when to inform.

"Full practice authority" means the authority of an advanced practice registered nurse licensed in Illinois and certified as a nurse practitioner, clinical nurse specialist, or nurse midwife to practice without a written collaborative

agreement and:

(1) to be fully accountable to patients for the quality of advanced nursing care rendered;

(2) to be fully accountable for recognizing limits of knowledge and experience and for planning for the management of situations beyond the advanced practice registered nurse's expertise; the full practice authority for advanced practice registered nurses includes accepting referrals from, consulting with, collaborating with, or referring to other health care professionals as warranted by the needs of the patient; and

(3) to possess the authority to prescribe medications, including Schedule II through V controlled substances, as provided in Section 65-43.

"Hospital affiliate" means a corporation, partnership, joint venture, limited liability company, or similar organization, other than a hospital, that is devoted primarily to the provision, management, or support of health care services and that directly or indirectly controls, is controlled by, or is under common control of the hospital. For the purposes of this definition, "control" means having at least an equal or a majority ownership or membership interest. A hospital affiliate shall be 100% owned or controlled by any combination of hospitals, their parent corporations, or physicians licensed to practice medicine in all its branches in Illinois. "Hospital affiliate" does not include a health

maintenance organization regulated under the Health Maintenance Organization Act.

"Impaired nurse" means a nurse licensed under this Act who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish his or her ability to deliver competent patient care.

"License-pending advanced practice registered nurse" means a registered professional nurse who has completed all requirements for licensure as an advanced practice registered nurse except the certification examination and has applied to take the next available certification exam and received a temporary permit from the Department.

"License-pending registered nurse" means a person who has passed the Department-approved registered nurse licensure exam and has applied for a license from the Department. A license-pending registered nurse shall use the title "RN lic pend" on all documentation related to nursing practice.

"Nursing intervention" means any treatment based on clinical nursing judgment or knowledge that a nurse performs. An individual or entity shall not mandate that a registered professional nurse delegate nursing interventions if the registered professional nurse determines it is inappropriate to do so. A nurse shall not be subject to disciplinary or any

other adverse action for refusing to delegate a nursing intervention based on patient safety.

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

"Podiatric physician" means a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987.

"Practical nurse" or "licensed practical nurse" means a person who is licensed as a practical nurse under this Act and practices practical nursing as defined in this Act. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".

"Practical nursing" means the performance of nursing interventions requiring the nursing knowledge, judgment, and skill acquired by means of completion of an approved practical nursing education program. Practical nursing includes assisting in the nursing process under the guidance of a registered professional nurse or an advanced practice registered nurse. The practical nurse may work under the direction of a licensed physician, dentist, podiatric physician, or other health care professional determined by the Department.

"Privileged" means the authorization granted by the governing body of a healthcare facility, agency, or organization to provide specific patient care services within well-defined limits, based on qualifications reviewed in the

credentialing process.

"Registered Nurse" or "Registered Professional Nurse" means a person who is licensed as a professional nurse under this Act and practices nursing as defined in this Act. Only a registered nurse licensed under this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and the abbreviation, "R.N.".

"Registered professional nursing practice" means a scientific process founded on a professional body of knowledge that includes, but is not limited to, the protection, promotion, and optimization of health and abilities, prevention of illness and injury, development and implementation of the nursing plan of care, facilitation of nursing interventions to alleviate suffering, care coordination, and advocacy in the care of individuals, families, groups, communities, and populations. "Registered professional nursing practice" does not include the act of medical diagnosis or prescription of medical therapeutic or corrective measures.

"Professional assistance program for nurses" means a professional assistance program that meets criteria established by the Board of Nursing and approved by the Secretary, which provides a non-disciplinary treatment approach for nurses licensed under this Act whose ability to practice is compromised by alcohol or chemical substance addiction.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Unencumbered license" means a license issued in good standing.

"Written collaborative agreement" means a written agreement between an advanced practice registered nurse and a collaborating physician, dentist, or podiatric physician pursuant to Section 65-35.

(Source: P.A. 99-173, eff. 7-29-15; 99-330, eff. 1-1-16; 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; revised 2-28-22.)

Section 485. The Pharmacy Practice Act is amended by changing Sections 9 and 25.10 as follows:

(225 ILCS 85/9)

(Section scheduled to be repealed on January 1, 2028)

Sec. 9. Licensure as registered pharmacy technician.

(a) Any person shall be entitled to licensure as a registered pharmacy technician who is of the age of 16 or over, has not engaged in conduct or behavior determined to be grounds for discipline under this Act, is attending or has graduated from an accredited high school or comparable school or educational institution or received a State of Illinois High School Diploma, and has filed a written or electronic application for licensure on a form to be prescribed and furnished by the Department for that purpose. The Department

shall issue a license as a registered pharmacy technician to any applicant who has qualified as aforesaid, and such license shall be the sole authority required to assist licensed pharmacists in the practice of pharmacy, under the supervision of a licensed pharmacist. A registered pharmacy technician may be delegated to perform any task within the practice of pharmacy if specifically trained for that task, except for patient counseling, drug regimen review, clinical conflict resolution, ~~or~~ final prescription verification except where a registered certified pharmacy technician verifies a prescription dispensed by another pharmacy technician using technology-assisted medication verification, or providing patients prophylaxis drugs for human immunodeficiency virus pre-exposure prophylaxis or post-exposure prophylaxis.

(b) Beginning on January 1, 2017, within 2 years after initial licensure as a registered pharmacy technician, the licensee must meet the requirements described in Section 9.5 of this Act and become licensed as a registered certified pharmacy technician. If the licensee has not yet attained the age of 18, then upon the next renewal as a registered pharmacy technician, the licensee must meet the requirements described in Section 9.5 of this Act and become licensed as a registered certified pharmacy technician. This requirement does not apply to pharmacy technicians registered prior to January 1, 2008.

(c) Any person registered as a pharmacy technician who is also enrolled in a first professional degree program in

pharmacy in a school or college of pharmacy or a department of pharmacy of a university approved by the Department or has graduated from such a program within the last 18 months, shall be considered a "student pharmacist" and entitled to use the title "student pharmacist". A student pharmacist must meet all of the requirements for licensure as a registered pharmacy technician set forth in this Section excluding the requirement of certification prior to the second license renewal and pay the required registered pharmacy technician license fees. A student pharmacist may, under the supervision of a pharmacist, assist in the practice of pharmacy and perform any and all functions delegated to him or her by the pharmacist.

(d) Any person seeking licensure as a pharmacist who has graduated from a pharmacy program outside the United States must register as a pharmacy technician and shall be considered a "student pharmacist" and be entitled to use the title "student pharmacist" while completing the 1,200 clinical hours of training approved by the Board of Pharmacy described and for no more than 18 months after completion of these hours. These individuals are not required to become registered certified pharmacy technicians while completing their Board approved clinical training, but must become licensed as a pharmacist or become licensed as a registered certified pharmacy technician before the second pharmacy technician license renewal following completion of the Board approved clinical training.

(e) The Department shall not renew the registered pharmacy technician license of any person who has been licensed as a registered pharmacy technician with the designation "student pharmacist" who: (1) has dropped out of or been expelled from an ACPE accredited college of pharmacy; (2) has failed to complete his or her 1,200 hours of Board approved clinical training within 24 months; or (3) has failed the pharmacist licensure examination 3 times. The Department shall require these individuals to meet the requirements of and become licensed as a registered certified pharmacy technician.

(f) The Department may take any action set forth in Section 30 of this Act with regard to a license pursuant to this Section.

(g) Any person who is enrolled in a non-traditional Pharm.D. program at an ACPE accredited college of pharmacy and is licensed as a registered pharmacist under the laws of another United States jurisdiction shall be permitted to engage in the program of practice experience required in the academic program by virtue of such license. Such person shall be exempt from the requirement of licensure as a registered pharmacy technician or registered certified pharmacy technician while engaged in the program of practice experience required in the academic program.

An applicant for licensure as a registered pharmacy technician may assist a pharmacist in the practice of pharmacy for a period of up to 60 days prior to the issuance of a

license if the applicant has submitted the required fee and an application for licensure to the Department. The applicant shall keep a copy of the submitted application on the premises where the applicant is assisting in the practice of pharmacy. The Department shall forward confirmation of receipt of the application with start and expiration dates of practice pending licensure.

(Source: P.A. 101-621, eff. 1-1-20; 102-882, eff. 1-1-23; 102-1051, eff. 1-1-23; 102-1100, eff. 1-1-23; revised 12-14-22.)

(225 ILCS 85/25.10)

(Section scheduled to be repealed on January 1, 2028)

Sec. 25.10. Remote prescription processing.

(a) In this Section, "remote prescription processing" means and includes the outsourcing of certain prescription functions to another pharmacy or licensed non-resident pharmacy. "Remote prescription processing" includes any of the following activities related to the dispensing process:

(1) Receiving, interpreting, evaluating, or clarifying prescriptions.

(2) Entering prescription and patient data into a data processing system.

(3) Transferring prescription information.

(4) Performing a drug regimen review.

(5) Obtaining refill or substitution authorizations or

otherwise communicating with the prescriber concerning a patient's prescription.

(6) Evaluating clinical data for prior authorization for dispensing.

(7) Discussing therapeutic interventions with prescribers.

(8) Providing drug information or counseling concerning a patient's prescription to the patient or patient's agent, as defined in this Act.

(b) A pharmacy may engage in remote prescription processing under the following conditions:

(1) The pharmacies shall either have the same owner or have a written contract describing the scope of services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with all federal and State laws and regulations related to the practice of pharmacy.

(2) The pharmacies shall share a common electronic file or have technology that allows sufficient information necessary to process a non-dispensing function.

(3) The records may be maintained separately by each pharmacy or in a common electronic file shared by both pharmacies, provided that the system can produce a record at either location that shows each processing task, the identity of the person performing each task, and the location where each task was performed.

(c) Nothing in this Section shall prohibit an individual employee licensed as a pharmacist, pharmacy technician, or student pharmacist from accessing the employer pharmacy's database from a home or other remote location or pharmacist's home verification for the purpose of performing certain prescription processing functions, provided that the pharmacy establishes controls to protect the privacy and security of confidential records.

(Source: P.A. 102-882, eff. 1-1-23; revised 12-9-22.)

Section 490. The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act is amended by changing Sections 20 and 50 as follows:

(225 ILCS 107/20)

(Section scheduled to be repealed on January 1, 2028)

Sec. 20. Restrictions and limitations.

(a) No person shall, without a valid license as a professional counselor issued by the Department: (i) in any manner hold himself or herself out to the public as a professional counselor under this Act; (ii) attach the title "professional counselor" or~~,~~ "licensed professional counselor"~~,~~ or use the credential "L.P.C."; or (iii) offer to render or render to individuals, corporations, or the public professional counseling services.

(b) No person shall, without a valid license as a clinical

professional counselor issued by the Department: (i) in any manner hold himself or herself out to the public as a clinical professional counselor or licensed clinical professional counselor under this Act; (ii) attach the title "clinical professional counselor" or~~,~~ "licensed clinical professional counselor", or use the credential "L.P.C."; or (iii) offer to render to individuals, corporations, or the public clinical professional counseling services.

(c) (Blank).

(d) No association, limited liability company, professional limited liability company, or partnership shall provide, attempt to provide, or offer to provide clinical professional counseling or professional counseling services unless every member, partner, and employee of the association, limited liability company, professional limited liability company, or partnership who practices professional counseling or clinical professional counseling or who renders professional counseling or clinical professional counseling services holds a currently valid license issued under this Act. No business shall provide, attempt to provide, or offer to provide professional counseling or clinical professional counseling services unless it is organized under the Professional Service Corporation Act or Professional Limited Liability Company Act.

(d-5) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly

for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

(e) Nothing in this Act shall be construed as permitting persons licensed as professional counselors or clinical professional counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(f) When, in the course of providing professional counseling or clinical professional counseling services to any person, a professional counselor or clinical professional counselor licensed under this Act finds indication of a disease or condition that in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer that person to a physician licensed to practice medicine in all of its branches or another appropriate health care practitioner.

(Source: P.A. 102-878, eff. 1-1-23; revised 12-9-22.)

(225 ILCS 107/50)

(Section scheduled to be repealed on January 1, 2028)

Sec. 50. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a

condition for renewal of a license, the licensee shall be required to complete continuing education in accordance with rules established by the Department and pay the current renewal fee.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness acceptable to the Department, to have the license restored, including, if appropriate, evidence which is satisfactory to the Department certifying the active practice of professional counseling or clinical professional counseling in another jurisdiction and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction which is satisfactory to the Department, the Department shall determine, by rule, the person's fitness to resume active status and shall establish procedures and requirements for restoration.

(d) However, any person whose license expired while he or she was (i) in federal service on active duty with the armed forces of the United States or the State Militia or (ii) in training or education under the supervision of the United States government prior to induction into the military service may have his or her license restored without paying any lapsed renewal fees if, within 2 years after the honorable termination of such service, training, or education, the Department is furnished with satisfactory evidence that the

person has been so engaged and that such service, training, or education has been so terminated.

(e) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

(f) (Blank).

(g) Notwithstanding any other provision of law, the following requirements for restoration of an inactive or expired license of 5 years or less as set forth in subsections (b), (c), and (f) are suspended for any licensed clinical professional counselor who has had no disciplinary action taken against his or her license in this State or in any other jurisdiction during the entire period of licensure: proof of fitness, certification of active practice in another jurisdiction, and the payment of a renewal fee. An individual may not restore his or her license in accordance with this subsection more than once.

(Source: P.A. 102-878, eff. 1-1-23; 102-1053, eff. 6-10-22; revised 12-14-22.)

Section 495. The Wholesale Drug Distribution Licensing Act is amended by changing Sections 15, 21, 35, and 110 as follows:

(225 ILCS 120/15) (from Ch. 111, par. 8301-15)

(Section scheduled to be repealed on January 1, 2028)

Sec. 15. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's application file or licensee's license file maintained by the Department's licensure maintenance unit.

"Authentication" means the affirmative verification, before any wholesale distribution of a prescription drug occurs, that each transaction listed on the pedigree has occurred.

"Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between a wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in Section 1504 of the Internal Revenue Code, complies with the following:

(1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing the ongoing relationship; and

(2) The wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

"Blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

"Blood component" means that part of blood separated by physical or mechanical means.

"Board" means the State Board of Pharmacy of the Department of Financial and Professional Regulation.

"Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of the drugs to a group of chain or mail order pharmacies that have the same common ownership and control. Notwithstanding any other provision of this Act, a chain pharmacy warehouse shall be considered part of the normal distribution channel.

"Co-licensed partner or product" means an instance where one or more parties have the right to engage in the manufacturing or marketing of a prescription drug, consistent with the FDA's implementation of the Prescription Drug Marketing Act.

"Department" means the Department of Financial and Professional Regulation.

"Drop shipment" means the sale of a prescription drug to a wholesale distributor by the manufacturer of the prescription drug or that manufacturer's co-licensed product partner, that manufacturer's third-party logistics provider, or that manufacturer's exclusive distributor or by an authorized distributor of record that purchased the product directly from the manufacturer or one of these entities whereby the wholesale distributor or chain pharmacy warehouse takes title

but not physical possession of such prescription drug and the wholesale distributor invoices the pharmacy, chain pharmacy warehouse, or other person authorized by law to dispense or administer such drug to a patient and the pharmacy, chain pharmacy warehouse, or other authorized person receives delivery of the prescription drug directly from the manufacturer, that manufacturer's third-party logistics provider, or that manufacturer's exclusive distributor or from an authorized distributor of record that purchased the product directly from the manufacturer or one of these entities.

"Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Facility" means a facility of a wholesale distributor where prescription drugs are stored, handled, repackaged, or offered for sale, or a facility of a third-party logistics provider where prescription drugs are stored or handled.

"FDA" means the United States Food and Drug Administration.

"Manufacturer" means a person licensed or approved by the FDA to engage in the manufacture of drugs or devices, consistent with the definition of "manufacturer" set forth in

the FDA's regulations and guidances implementing the Prescription Drug Marketing Act. "Manufacturer" does not include anyone who is engaged in the packaging, repackaging, or labeling of drugs only to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

"Manufacturer's exclusive distributor" means anyone who contracts with a manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug. A manufacturer's exclusive distributor must be licensed as a wholesale distributor under this Act and, in order to be considered part of the normal distribution channel, must also be an authorized distributor of record.

"Normal distribution channel" means a chain of custody for a prescription drug that goes, directly or by drop shipment, from (i) a manufacturer of the prescription drug, (ii) that manufacturer to that manufacturer's co-licensed partner, (iii) that manufacturer to that manufacturer's third-party logistics provider, or (iv) that manufacturer to that manufacturer's exclusive distributor to:

(1) a pharmacy or to other designated persons authorized by law to dispense or administer the drug to a patient;

(2) a wholesale distributor to a pharmacy or other designated persons authorized by law to dispense or administer the drug to a patient;

(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer the drug to a patient;

(4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy or other designated persons authorized by law to dispense or administer the drug to the patient;

(5) an authorized distributor of record to one other authorized distributor of record to an office-based health care practitioner authorized by law to dispense or administer the drug to the patient; or

(6) an authorized distributor to a pharmacy or other persons licensed to dispense or administer the drug.

"Pedigree" means a document or electronic file containing information that records each wholesale distribution of any given prescription drug from the point of origin to the final wholesale distribution point of any given prescription drug.

"Person" means and includes a natural person, partnership, association, corporation, or any other legal business entity.

"Pharmacy distributor" means any pharmacy licensed in this State or hospital pharmacy that is engaged in the delivery or

distribution of prescription drugs either to any other pharmacy licensed in this State or to any other person or entity including, but not limited to, a wholesale drug distributor engaged in the delivery or distribution of prescription drugs who is involved in the actual, constructive, or attempted transfer of a drug in this State to other than the ultimate consumer except as otherwise provided for by law.

"Prescription drug" means any human drug, including any biological product (except for blood and blood components intended for transfusion or biological products that are also medical devices), required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and bulk drug substances subject to Section 503 of the Federal Food, Drug and Cosmetic Act.

"Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding that completed by the pharmacist responsible for dispensing the product to a patient.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Suspicious order" includes, but is not limited to, an order of a controlled substance of unusual size, an order of a controlled substance deviating substantially from a normal pattern, and orders of controlled substances of unusual

frequency as defined by 21 U.S.C. ~~USC~~ 802.

"Third-party logistics provider" means anyone who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition.

"Wholesale distribution" means the distribution of prescription drugs to persons other than a consumer or patient, but does not include any of the following:

(1) Intracompany sales of prescription drugs, meaning (i) any transaction or transfer between any division, subsidiary, parent, or affiliated or related company under the common ownership and control of a corporate entity or (ii) any transaction or transfer between co-licensees of a co-licensed product.

(2) The sale, purchase, distribution, trade, or transfer of a prescription drug or offer to sell, purchase, distribute, trade, or transfer a prescription drug for emergency medical reasons.

(3) The distribution of prescription drug samples by manufacturers' representatives.

(4) Drug returns, when conducted by a hospital, health care entity, or charitable institution in accordance with federal regulation.

(5) The sale of minimal quantities of prescription

drugs by licensed pharmacies to licensed practitioners for office use or other licensed pharmacies.

(6) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription.

(7) The sale, transfer, merger, or consolidation of all or part of the business of a pharmacy or pharmacies from or with another pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets.

(8) The sale, purchase, distribution, trade, or transfer of a prescription drug from one authorized distributor of record to one additional authorized distributor of record when the manufacturer has stated in writing to the receiving authorized distributor of record that the manufacturer is unable to supply the prescription drug and the supplying authorized distributor of record states in writing that the prescription drug being supplied had until that time been exclusively in the normal distribution channel.

(9) The delivery of or the offer to deliver a prescription drug by a common carrier solely in the common carrier's usual course of business of transporting prescription drugs when the common carrier does not store, warehouse, or take legal ownership of the prescription drug.

(10) The sale or transfer from a retail pharmacy, mail order pharmacy, or chain pharmacy warehouse of expired, damaged, returned, or recalled prescription drugs to the original manufacturer, the originating wholesale distributor, or a third party returns processor.

(11) The donation of drugs to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

"Wholesale drug distributor" means anyone engaged in the wholesale distribution of prescription drugs into, out of, or within the State, including, without limitation, manufacturers; repackers; own label distributors; jobbers; private label distributors; brokers; warehouses, including manufacturers' and distributors' warehouses; manufacturer's exclusive distributors; and authorized distributors of record; drug wholesalers or distributors; independent wholesale drug traders; specialty wholesale distributors; ~~and~~ retail pharmacies that conduct wholesale distribution; and chain pharmacy warehouses that conduct wholesale distribution. In order to be considered part of the normal distribution channel, a wholesale distributor must also be an authorized distributor of record.

(Source: P.A. 101-420, eff. 8-16-19; 102-389, eff. 1-1-22; 102-879, eff. 1-1-23; revised 12-9-22.)

(225 ILCS 120/21)

(Section scheduled to be repealed on January 1, 2028)

Sec. 21. Reports to Department. Each licensee that is required to report suspicious orders under 21 U.S.C. ~~USC~~ 832 shall also submit such suspicions order reports to the Department.

(Source: P.A. 102-879, eff. 1-1-23; revised 12-19-22.)

(225 ILCS 120/35) (from Ch. 111, par. 8301-35)

(Section scheduled to be repealed on January 1, 2028)

Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

(a) The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including, but not limited to, original licensure, renewal, and restoration. The fees shall be nonrefundable.

(b) All fees collected under this Act shall be deposited into the Illinois State Pharmacy Disciplinary Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of ~~Financial and~~ Professional Regulation Law ~~(20 ILCS 2105/2105-300)~~.

The moneys deposited into the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund.

(c) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the

financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(d) (Blank).

(e) A manufacturer of controlled substances, wholesale distributor of controlled substances, or third-party logistics provider that is licensed under this Act and owned and

operated by the State is exempt from licensure, registration, renewal, and other fees required under this Act. Nothing in this subsection (e) shall be construed to prohibit the Department from imposing any fine or other penalty allowed under this Act.

(Source: P.A. 101-420, eff. 8-16-19; 102-879, eff. 1-1-23; revised 12-9-22.)

(225 ILCS 120/110) (from Ch. 111, par. 8301-110)

(Section scheduled to be repealed on January 1, 2028)

Sec. 110. Hearing officers; appointment. Notwithstanding any other provision of this Act, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action before the Board for refusal to issue or renew a license, or the discipline of a licensee. The hearing officer shall report his findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its report within the 60-day ~~60 day~~ period, the Secretary may issue an order based on the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with

the order. If the Secretary disagrees with the recommendation of the Board or the hearing officer, the Secretary may issue an order in contravention of the recommendation.

(Source: P.A. 102-879, eff. 1-1-23; revised 12-9-22.)

Section 500. The Solid Waste Site Operator Certification Law is amended by changing Section 1011 as follows:

(225 ILCS 230/1011)

Sec. 1011. Fees.

(a) Fees for the issuance or renewal of a Solid Waste Site Operator Certificate shall be as follows:

(1)(A) $400 for issuance or renewal for Solid Waste Site Operators;

(B) (blank); and

(C) $100 for issuance or renewal for special waste endorsements.

(2) If the fee for renewal is not paid within the grace period the above fees for renewal shall each be increased by $ 50.

(b) (Blank).

(c) All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund to be used in accordance with the provisions of subsection (a) of Section 22.8 of the Environmental Protection Act.

(Source: P.A. 102-1017, eff. 1-1-23; 102-1071, eff. 6-10-22; revised 12-14-22.)

Section 505. The Registered Interior Designers Act is amended by changing Sections 3, 4.1, and 4.2 as follows:

(225 ILCS 310/3) (from Ch. 111, par. 8203)

(Section scheduled to be repealed on January 1, 2027)

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

"Accredited institution" means an institution accredited by the Council for Interior Design Accreditation, an accreditation body recognized by the United States Department of Education, or a curriculum or transcript approved by the Board per a registration applicant's application.

"Address of record" means the designated address recorded by the Department in the applicant's application file or the registrant's registration file as maintained by the Department's licensure maintenance unit.

"Board" means the Board of Registered Interior Design Professionals established under Section 6 of this Act.

"Department" means the Department of Financial and Professional Regulation.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the registrant's registration file as maintained by the Department's licensure maintenance unit.

"Interior technical submissions" means the designs, drawings, and specifications that establish the scope of the interior design to be constructed, the standard of quality for materials, workmanship, equipment, and construction systems, and the studies and other technical reports and calculations prepared in the course of the practice of registered interior design.

"Practice of registered interior design" means the design of interior spaces as a part of an interior alteration or interior construction project in conformity with public health, safety, and welfare requirements, including the preparation of documents relating to building code descriptions, project egress plans that require no increase capacity of exits in the space affected, space planning, finish materials, furnishings, fixtures, equipment, and the preparation of documents and interior technical submissions relating to interior construction. "Practice of registered interior design" does not include:

(1) The practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the practice of land surveying as defined in the Illinois Professional Land Surveyor Act of 1989.

(2) Services that constitute the practice of architecture as defined in the Illinois Architecture

Practice Act of 1989, except as provided in this Act.

(3) Altering or affecting the structural system of a building, including changing the building's live or dead load on the structural system.

(4) Changes to the building envelope, including exterior walls, exterior wall coverings, exterior wall openings, exterior windows and doors, architectural trim, balconies and similar projections, bay and oriel windows, roof assemblies and rooftop structures, and glass and glazing for exterior use in both vertical and sloped applications in buildings and structures.

(5) Altering or affecting the mechanical, plumbing, heating, air conditioning, ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems.

(6) Changes beyond the exit access component of a means of egress system.

(7) Construction that materially affects life safety systems pertaining to fire safety or the fire protection of structural elements, or alterations to smoke evacuation and compartmentalization systems or to fire-rated vertical shafts in multistory structures.

(8) Changes of use to an occupancy of greater hazard as determined by the International Building Code.

(9) Changes to the construction classification of the building or structure according to the International

Building Code.

"Public member" means a person who is not a registered interior designer, educator in the field, architect, structural engineer, or professional engineer. For purposes of board membership, any person with a significant financial interest in the design or construction service or profession is not a public member.

"Registered interior designer" means a person who has received registration under Section 8 of this Act. A person represents himself or herself to be a "registered interior designer" within the meaning of this Act if he or she holds himself or herself out to the public by any title incorporating the words "registered interior designer" or any title that includes the words "registered interior design".

"Responsible control" means the amount of control over detailed professional knowledge of the content of interior technical submissions during the preparation as is ordinarily exercised by registered interior designers applying the required professional standard of care. Merely reviewing or reviewing and correcting an interior technical submission or any portion thereof prepared by those not in the regular employment of the office where the registered interior designer is a resident without control over the content of such work throughout its preparation does not constitute responsible control.

"Secretary" means the Secretary of Financial and

Professional Regulation.

(Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23; revised 12-9-22.)

(225 ILCS 310/4.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4.1. Seal. Every registered interior designer shall have a reproducible seal, or facsimile, the impression of which shall contain the name of the registered interior designer, the registration ~~registrations~~ number, and the words "Registered Interior Designer, State of Illinois". The registered interior designer shall affix the signature, current date, date of registration expiration, and seal to the first sheet of any bound set or loose sheets of interior technical submissions used as contract documents between parties to the contract or prepared for the review and approval of any governmental or public authority having jurisdiction by that registered interior designer or under that registered interior designer's responsible control. The sheet of interior technical submissions in which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply. The seal and dates may be electronically affixed. The registrant may provide, at the registrant's sole discretion, an original signature in the registrant's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a

computer. All interior technical submissions issued by any corporation, partnership, or professional service corporation shall contain the corporate or assumed business name in addition to any other seal requirements set forth in this Act.

A registered interior designer under this Act shall not sign and seal interior technical submissions that were not prepared by or under the responsible control of the registered interior designer, except that:

(1) the registered interior designer may sign and seal those portions of the interior technical submission that were prepared by or under the responsible control of a person who holds a registration under this Act, and who has signed and sealed the documents, if the registered interior designer has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into the work;

(2) the registered interior designer may sign and seal portions of the professional work that are not required by this Act to be prepared by or under the responsible control of a registered interior designer if the registered interior designer has reviewed and adopted in whole or in part such portions and has integrated them into the work. The work associated with the combination of services in connection with the design and construction of buildings shall be provided by a licensed architect. If engineering, structural engineering, or licensed land

surveying services are required in association with an interior nonstructural project being performed by a registered interior designer, the documents that have already been properly sealed by a licensed professional engineer, licensed structural engineer, or licensed land surveyor may be compiled by a registered interior designer. Each design professional shall seal the respective documents and shall not seal a document that was not prepared under the design professional's responsible charge. For all other projects, engineering, structural engineering, or land surveying services shall be procured separate from the registered interior designer;

(3) a partner or corporate officer of a professional design firm registered in this State who has professional knowledge of the content of the interior technical submissions and intends to be responsible for the adequacy of the interior technical submissions may sign and seal interior technical submissions that are prepared by or under the responsible control of a registered interior designer who is registered in this State and who is in the regular employment of the professional design firm.

The registered interior designer exercising responsible control under which the interior technical submissions or portions of the interior technical submission were prepared shall be identified on the interior technical submissions or

portions of the interior technical submissions by name and Illinois registration number.

Any registered interior designer who signs and seals interior technical submissions not prepared by that registered interior designer but prepared under that registered interior designer's responsible control by persons not regularly employed in the office where the registered interior designer is a resident shall maintain and make available to the Board upon request for at least 5 years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered interior designer's control over, and detailed professional knowledge of the interior technical submissions throughout their preparation.

(Source: P.A. 102-1066, eff. 1-1-23; revised 12-19-22.)

(225 ILCS 310/4.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4.2. Interior technical submissions.

(a) All interior technical submissions intended for use in this State shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State law and, where applicable, county and municipal ordinances in the submissions. In recognition that registered interior designers are registered for the protection of the public health, safety, and welfare, submissions shall be of such quality and

scope, and be so administered, as to conform to professional standards.

(b) No officer, board, commission, or other public entity who receives interior technical submissions shall accept for filing or approval any interior technical submissions related to services requiring the involvement of a registered interior designer that do not bear the seal and signature of a registered interior designer.

(c) It is unlawful to affix a seal to interior technical submissions if it masks the true identity ~~identify~~ of the person who actually exercised responsible control of the preparation of such work. A registered interior designer who seals and signs interior technical submissions is not responsible for damage caused by subsequent changes to, or uses of, those interior technical submissions where the subsequent changes or uses, including changes to uses made by State or local agencies, are not authorized or approved in writing by the registered interior designer who originally sealed and signed the interior technical submissions.

(Source: P.A. 102-1066, eff. 1-1-23; revised 12-19-22.)

Section 510. The Illinois Plumbing License Law is amended by changing Section 5 as follows:

(225 ILCS 320/5) (from Ch. 111, par. 1104)

Sec. 5. Advertising.

(a) Persons who advertise plumbing services shall, at their place of business, display the licensed plumber's license of at least one member of the firm, partnership or officer of the corporation and shall maintain a register listing the names and license numbers of all licensed plumbers and all licensed apprentice plumbers currently employed by them. The number of the license so displayed shall also be included with the plumbing identification on vehicles.

(b) No person who provides plumbing services may advertise those services unless that person includes in the advertisement the license number that is required to be displayed under subsection (a). Nothing contained in this subsection requires the publisher of advertising for plumbing services to investigate or verify the accuracy of the license number provided by the advertiser.

(b.5) Any person who advertises plumbing services (i) who fails to display the license number required by subsection (a) in all manners required by that subsection, (ii) who fails to provide a publisher with the correct number under subsection (b), or (iii) who provides a publisher with a false license number or a license number of a person other than the person designated under subsection (a), or any person who allows his or her license number to be displayed or used in order to allow any other person to circumvent any provisions of this Section is guilty of a Class A misdemeanor with a fine of $1,000, which shall be subject to the enforcement provisions of Section 29

of this Act. Each day that a person fails to display the required license under subsection (a) and each day that an advertisement runs or each day that a person allows his or her license to be displayed or used in violation of this Section constitutes a separate offense.

In addition to, and not in lieu of, the penalties and remedies provided for in this Section and Section 29 of this Act, any person licensed under this Act who violates any provision of this Section shall be subject to suspension or revocation of his or her license under Section 19 of this Act.

(b.10) In addition to, and not in lieu of, the penalties and remedies provided for in this Section and Sections 19, 20, and 29 of this Act, and after notice and an opportunity for hearing as provided for in this subsection and Section 19 of this Act, the Department may issue an Order Of Correction to the telecommunications carrier furnishing service to any telephone number contained in a printed advertisement for plumbing services that is found to be in violation of the provisions of this subsection. The Order of Correction shall be limited to the telephone number contained in the unlawful advertisement. The Order of Correction shall notify the telecommunications carrier to disconnect the telephone service furnished to any telephone number contained in the unlawful advertisement and that subsequent calls to that number shall not be referred by the telecommunications carrier to any new telephone number obtained by or any existing number registered

to the person.

If, upon investigation, the Department has probable cause to believe that a person has placed an advertisement with a telecommunications carrier that: (i) contains a false license number, (ii) contains a license number of a person other than the person designated under subsection (a), or (iii) is placed or circulated by a person who is not properly licensed under this Act, the Department shall provide notice to the person of the Department's intent to issue an Order of Correction to the telecommunications carrier to disconnect the telephone service furnished to any telephone number contained in the unlawful advertisement, and that subsequent calls to that number shall not be referred by the telecommunications carrier to any new telephone number obtained by or any existing number registered to the person.

Notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 20 days from the date of the mailing or service, within which time the person must request a hearing in writing. Failure to serve upon the Department a written request for hearing within the time provided in the notice shall constitute a waiver of the person's right to an administrative hearing. The hearing, findings, and conclusions shall be in accordance with the provisions contained in Section 19 of this Act and the Department's Rules of Practice and Procedure in Administrative

Hearings (77 Ill. Adm. ~~Admin.~~ Code 100), which are incorporated by reference herein.

Upon a finding that the person has violated the provisions of this subsection, the Department shall issue the Order of Correction to the telecommunications carrier. If the telecommunications carrier fails to comply with the Order of Correction within 20 days after the order is final, the Department shall inform the Illinois Commerce Commission of the failure to comply and the Illinois Commerce Commission shall require the telecommunications carrier furnishing services to that person to disconnect the telephone service furnished to the telephone number contained in the unlawful advertisement and direct that subsequent calls to that number shall not be referred by the telecommunications carrier to any new telephone number obtained by or any existing number registered to the person.

A person may have his or her telephone services restored, after an Order of Correction has been issued, upon a showing, to the satisfaction of the Department, that he or she is in compliance with the provisions of this Act.

(c) The Department may require by rule and regulation additional information concerning licensed plumbers and licensed apprentice plumbers maintained in the register. The Department shall have the right to examine the payroll records of such persons to determine compliance with this provision. The Department's right to examine payroll records is limited

solely to those records and does not extend to any other business records.

(Source: P.A. 91-184, eff. 1-1-00; revised 2-28-22.)

Section 515. The Collateral Recovery Act is amended by changing Section 35 as follows:

(225 ILCS 422/35)

(Section scheduled to be repealed on January 1, 2027)

Sec. 35. Application for repossession agency licensure.

(a) Application for original licensure as a repossession agency shall be made to the Commission in writing on forms prescribed by the Commission and shall be accompanied by the appropriate documentation and the required fee, and the fee is nonrefundable.

(b) Every application shall state, in addition to any other requirements, (i) the name of the applicant, (ii) the name under which the applicant shall do business, (iii) the proposed location of the agency by number, street, and city, ~~and~~ (iv) the proposed location of the agency's remote storage location or locations by number, street, and city, (v) the proposed location of the Agency's branch office or branch offices by number, street, and city, and (vi) the usual business hours that the agency shall maintain.

(c) No license may be issued (i) in any fictitious name that may be confused with or is similar to any federal, state,

county, or municipal government function or agency, (ii) in any name that may tend to describe any business function or enterprise not actually engaged in by the applicant, (iii) in any name that is the same as or similar to any existing licensed company and that would tend to deceive the public, (iv) in any name that would tend to be deceptive or misleading, or (v) to any repossession agency applicant without that agency's location or branch office location maintaining a secured storage facility as defined in Section 10 of this Act.

(d) If the applicant for repossession agency licensure is an individual, then his or her application shall include (i) the full residential address of the applicant and (ii) either the sworn statement of the applicant declaring that he or she is the licensed recovery manager who shall be personally in control of the agency for which the licensure is sought, or the name and signed sworn statement of the licensed recovery manager who shall be in control or management of the agency.

(e) If the applicant for repossession agency licensure is a partnership, then the application shall include (i) a statement of the names and full residential addresses of all partners in the business and (ii) a sworn statement signed by each partner verifying the name of the person who is a licensed recovery manager and shall be in control or management of the business. If a licensed recovery manager who is not a partner shall be in control or management of the agency, then he or she must also sign the sworn statement. The application shall also

state whether any of the partners has ever used an alias.

(f) If the applicant for licensure as a repossession agency is a corporation, then the application shall include (i) the names and full residential addresses of all corporation officers and (ii) a sworn statement signed by a duly authorized officer of the corporation verifying the name of the person who is a licensed recovery manager and shall be in control or management of the agency. If a licensed recovery manager who is not an officer shall be in control or management of the agency, then he or she must also sign the sworn statement. The application shall also state whether any of the officers has ever used an alias.

(g) If the applicant for licensure as a repossession agency is a limited liability company, then the application shall include (i) the names and full residential addresses of all members and (ii) a sworn statement signed by each member verifying the name of the person who is a licensed recovery manager and shall be in control or management of the agency. If a licensed recovery manager who is not a member shall be in control or management of the agency, then he or she must also sign the sworn statement. The application shall also state whether any of the members has ever used an alias.

(h) Each individual, partner of a partnership, officer of a corporation, or member of a limited liability company shall submit with the application a copy of a valid State or U.S. government-issued photo identification card. An applicant who

is 21 years of age or older seeking a religious exemption to the photograph requirement of this subsection shall furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Regardless of age, an applicant seeking a religious exemption to this photograph requirement shall submit fingerprints in a form and manner prescribed by the Commission with his or her application in lieu of a photograph.

(i) No examination shall be required for licensure as a repossession agency by the Commission.

(j) The Commission may require any additional information that, in the judgment of the Commission, shall enable the Commission to determine the qualifications of the applicant for licensure.

(k) Applicants have 90 days from the date of application to complete the application process. If the application has not been completed within 90 days, then the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(l) Nothing in this Section precludes a domestic or foreign limited liability company being licensed as a repossession agency.

(m) A repossession agency license may be transferable upon prior notice to the Commission and upon completion of all requirements relative to the application process for

repossession agency licensure.

(n) Repossessions performed in this State must be performed by repossession agencies, their employees, or agents licensed by the Commission, with the exception of financial institutions or the employees of a financial institution that are exempt under subsection (d) of Section 30 of this Act.

(Source: P.A. 102-748, eff. 1-1-23; revised 12-9-22.)

Section 520. The Real Estate License Act of 2000 is amended by changing Section 5-10 as follows:

(225 ILCS 454/5-10)

(Section scheduled to be repealed on January 1, 2030)

Sec. 5-10. Requirements for license as a residential leasing agent; continuing education.

(a) Every applicant for licensure as a residential leasing agent must meet the following qualifications:

(1) be at least 18 years of age;

(2) be of good moral character;

(3) successfully complete a 4-year course of study in a high school or secondary school or an equivalent course of study approved by the state in which the school is located, or possess a State of Illinois High School Diploma, which shall be verified under oath by the applicant;

(4) personally take and pass a written examination

authorized by the Department sufficient to demonstrate the applicant's knowledge of the provisions of this Act relating to residential leasing agents and the applicant's competence to engage in the activities of a licensed residential leasing agent;

(5) provide satisfactory evidence of having completed 15 hours of instruction in an approved course of study relating to the leasing of residential real property. The Board may recommend to the Department the number of hours each topic of study shall require. The course of study shall, among other topics, cover the provisions of this Act applicable to residential leasing agents; fair housing and human rights issues relating to residential leasing; advertising and marketing issues; leases, applications, and credit and criminal background reports; owner-tenant relationships and owner-tenant laws; the handling of funds; and environmental issues relating to residential real property;

(6) complete any other requirements as set forth by rule; and

(7) present a valid application for issuance of an initial license accompanied by fees specified by rule.

(b) No applicant shall engage in any of the activities covered by this Act without a valid license and until a valid sponsorship has been registered with the Department.

(c) Successfully completed course work, completed pursuant

to the requirements of this Section, may be applied to the course work requirements to obtain a managing broker's or broker's license as provided by rule. The Board may recommend to the Department and the Department may adopt requirements for approved courses, course content, and the approval of courses, instructors, and education providers, as well as education provider and instructor fees. The Department may establish continuing education requirements for residential licensed leasing agents, by rule, consistent with the language and intent of this Act, with the advice of the Board.

(d) The continuing education requirement for residential leasing agents shall consist of a single core curriculum to be prescribed by the Department as recommended by the Board. Leasing agents shall be required to complete no less than 8 hours of continuing education in the core curriculum during the current term of the license. The curriculum shall, at a minimum, consist of a single course or courses on the subjects of fair housing and human rights issues related to residential leasing, advertising and marketing issues, leases, applications, credit reports, and criminal history, the handling of funds, owner-tenant relationships and owner-tenant laws, and environmental issues relating to residential real estate.

(Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

Section 530. The Coal Mining Act is amended by changing Sections 2.14 and 8.11 as follows:

(225 ILCS 705/2.14) (from Ch. 96 1/2, par. 314)

Sec. 2.14. The Director shall promulgate rules, in accordance with the Illinois Administrative Procedure Act, necessary for the effective and orderly conduct of hearings held pursuant to this Act. These rules shall include, but not necessarily be limited to, the following for the benefit of any affected operator, miner, labor representative, or other person with a substantial interest in the hearing:

1. adequate written notice of charges against any charged party;

2. adequate written notice of all hearings to any affected operator, miner, labor representative, or other interested person;

3. the right to be represented by counsel;

4. the right to present evidence;

5. the right to cross-examine witnesses;

6. the right to present its position orally or in writing to the Board;

7. the right to request issuance of subpoenas by the Department.

(Source: P.A. 102-937, eff. 5-27-22; revised 8-22-22.)

(225 ILCS 705/8.11) (from Ch. 96 1/2, par. 811)

Sec. 8.11. In no case shall an applicant for a certificate of competency be deemed competent unless he appears in person before the Mining Board and orally answers intelligently and correctly practical questions, propounded to him by said Board, pertaining to the requirements and qualifications of a practical miner.

(Source: P.A. 102-937, eff. 5-27-22; revised 8-22-22.)

Section 535. The Illinois Gambling Act is amended by changing Section 7.2 as follows:

(230 ILCS 10/7.2)

Sec. 7.2. Temporary operating permits. Any person operating under a temporary operating permit issued pursuant to 86 Ill. Adm. ~~Admin.~~ Code 3000.230 shall be deemed to be operating under the authority of an owner's license for purposes of Section 13 of this Act. This Section shall not affect in any way the licensure requirements of this Act.

(Source: P.A. 93-28, eff. 6-20-03; revised 2-28-22.)

Section 540. The Liquor Control Act of 1934 is amended by changing Sections 1-3.43, 5-3, 6-9.15, 6-38, and 10-5 as follows:

(235 ILCS 5/1-3.43)

Sec. 1-3.43. Beer showcase permit ~~license~~. "Beer showcase

permit" means a license for use by a class 3 brewer~~,~~ or distributor to allow for the transfer of beer only from an existing licensed premises of a class 3 brewer or distributor to a designated site for a specific event.

(Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

(235 ILCS 5/5-3) (from Ch. 43, par. 118)

Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license applied for.

The fee for licenses issued by the State Commission shall be as follows:

	Online renewal	Initial license or non-online renewal
For a manufacturer's license:		
Class 1. Distiller	$4,000	$5,000
Class 2. Rectifier	4,000	5,000
Class 3. Brewer	1,200	1,500
Class 4. First-class Wine Manufacturer	1,200	1,500
Class 5. Second-class		

Wine Manufacturer.....	1,500	1,750
Class 6. First-class wine-maker	1,200	1,500
Class 7. Second-class wine-maker ..	1,500	1,750
Class 8. Limited Wine Manufacturer	250	350
Class 9. Craft Distiller	2,000	2,500
Class 10. Class 1 Craft Distiller ..	50	75
Class 11. Class 2 Craft Distiller ..	75	100
Class 12. Class 1 Brewer	50	75
Class 13. Class 2 Brewer	75	100
Class 14. Class 3 Brewer	25	50
For a Brew Pub License	1,200	1,500
For a Distilling Pub License	1,200	1,500
For a caterer retailer's license ..	350	500
For a foreign importer's license ..	25	25
For an importing distributor's license.....	25	25
For a distributor's license (11,250,000 gallons or over)	1,450	2,200
For a distributor's license (over 4,500,000 gallons, but under 11,250,000 gallons).....	950	1,450
For a distributor's license (4,500,000 gallons or under) ..	300	450
For a non-resident dealer's license		

(500,000 gallons or over) or with self-distribution privileges	1,200	1,500
For a non-resident dealer's license (under 500,000 gallons)	250	350
For a wine-maker's premises license.....	250	500
For a winery shipper's license (under 250,000 gallons)	200	350
For a winery shipper's license (250,000 or over, but under 500,000 gallons)	750	1,000
For a winery shipper's license (500,000 gallons or over)	1,200	1,500
For a wine-maker's premises license, second location	500	1,000
For a wine-maker's premises license, third location.....	500	1,000
For a retailer's license	600	750
For a special event retailer's license, (not-for-profit).....	25	25
For a beer showcase permit ~~license~~, one day only	100	150
2 days or more	150	250
For a special use permit license, one day only	100	150

2 days or more	150	250
For a railroad license	100	150
For a boat license	500	1,000
For an airplane license, times the licensee's maximum number of aircraft in flight, serving liquor over the State at any given time, which either originate, terminate, or make an intermediate stop in the State.....	100	150
For a non-beverage user's license:		
Class 1.....	24	24
Class 2.....	60	60
Class 3.....	120	120
Class 4.....	240	240
Class 5.....	600	600
For a broker's license	750	1,000
For an auction liquor license	100	150
For a homebrewer special event permit	25	25
For a craft distiller tasting permit	25	25
For a BASSET trainer license	300	350
For a tasting representative license.....	200	300

For a brewer warehouse permit	25	25
For a craft distiller warehouse permit	25	25

Fees collected under this Section shall be paid into the Dram Shop Fund. The State Commission shall waive license renewal fees for those retailers' licenses that are designated as "1A" by the State Commission and expire on or after July 1, 2022, and on or before June 30, 2023. One-half of the funds received for a retailer's license shall be paid into the Dram Shop Fund and one-half of the funds received for a retailer's license shall be paid into the General Revenue Fund.

No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 101-482, eff. 8-23-19; 101-615, eff. 12-20-19; 102-442, eff. 8-20-21; 102-558, eff. 8-20-21; 102-699, eff. 4-19-22; revised 2-6-23.)

(235 ILCS 5/6-9.15)

Sec. 6-9.15. Quantity discounting terms for wine or spirits cooperative purchase agreements.

(a) All wine or spirits quantity discount programs offered to consumption off the premises retailers must be offered to all consumption off the premises cooperative groups and cooperative agents~~,~~ and all quantity discount programs offered to consumption on the premises retailers shall be offered to all consumption on the premises cooperative groups and cooperative agents. Quantity discount programs shall:

(1) be open and available for acceptance for 7 business days;

(2) be designed and implemented to produce product volume growth with retail licensees;

(3) be based on the volume of product purchased; however, discounts may include price reductions, cash, and credits, and no-charge wine or spirits products may be given instead of a discount;

(4) be documented on related sales invoices or credit memoranda;

(5) not require a retail licensee to take and dispose of any quota of wine or spirits; however, bona fide quantity discounts shall not be deemed to be quota sales; and

(6) not require a retail licensee to purchase one product in order to purchase another; this includes combination sales if one or more products may be purchased

only in combination with other products and not individually.

(b) A distributor or importing distributor that makes quantity discount sales to participating members of a cooperative purchase group shall issue customary invoices to each participating retail licensee itemizing the wine or spirit sold and delivered as part of a quantity discount program to each participating retail licensee.

(c) If a distributor or importing distributor offers a quantity discount for wine or spirits, excluding any product fermented with malt or any substitute for malt, cooperative purchase groups shall purchase a minimum of 250 cases in each quantity discount program. Each individual participating member of a cooperative purchase group purchasing product through a quantity discount program may be required to purchase the following minimum amounts:

(1) 2% of cases of any quantity discount program of 500 or fewer cases.

(2) 1.5% of cases of any quantity discount program of at least 501 and not more than 2,000 cases.

(3) 1% of cases of any quantity discount program of 2,001 or more cases.

(d) The cooperative agent shall place each cooperative purchase order under the name of the cooperative purchase group and shall identify each participating retail member involved with the purchase, the quantity of product purchased

~~purchase~~, the price attributable to each retailer member's purchase, and a requested delivery date. A retail licensee may make purchases through a cooperative purchasing group or independently of such group. Nothing in this Section shall be construed to prohibit retail licensees from making purchases separate and apart from any cooperative purchasing group.

(e) Each distributor or importing distributor shall separately invoice each participating cooperative purchase group member for the purchase made on behalf of such participating member.

(f) A cooperative purchasing group shall maintain the records of each cooperative purchase order placed for 90 days. The records shall include:

(1) the date the cooperative purchasing group order was placed and the date of any amendments to the order;

(2) the distributor or importing distributor with which the cooperative purchasing group placed the order;

(3) the names and license numbers of each cooperative purchasing group member participating in the order;

(4) the price discounts and net price of all wine or spirits ordered by each cooperative purchase group member; and

(5) the requested delivery date for the order.

(g) A cooperative purchase group is subject to the books and records requirements of Section 6-10 and subsection (e) of 11 Ill. Adm. ~~Admin.~~ Code 100.130.

(h) A cooperative purchasing group shall retain a surety bond at all times for no less than $250,000. If a cooperative purchasing group member is delinquent in payment pursuant to Section 6-5, the surety shall immediately pay the importing distributor or distributor the delinquent amount. The surety bond required by this Section may be acquired from a company, agent, or broker of the cooperative purchase group's choice. If the surety bond does not cure the indebtedness, the 30-day merchandising credit requirements of Section 6-5 shall apply jointly to each cooperative purchasing group until the indebtedness is cured. The cooperative purchasing group is responsible for all costs and fees related to the surety bond.

(i) Any licensee that fails to comply with the terms and conditions of this Section may be deemed to be in violation of this Act.

(j) Nothing in this Section shall apply to quantity discount programs offered for any product fermented with malt or any substitute for malt. Nothing in this ~~the~~ Section shall be construed to prohibit, limit, or interfere with quantity discount, credit, or rebate programs offered for any product fermented with malt or any substitute for malt.

(Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

(235 ILCS 5/6-38)

Sec. 6-38. One-time inventory transfer of wine or spirits by a retail licensee with multiple licenses.

(a) No original package of wine or spirits may be transferred from one retail licensee to any other retail licensee without permission from the State Commission pursuant to 11 Ill. Adm. ~~Admin.~~ Code 100.250; however, if the same retailer owns more than one licensed retail location, the retailer may transfer inventory of original packages of wine or spirits from one or more of such retailer's licensed locations to another of that retailer's licensed locations without prior permission from the State Commission, under the following circumstances:

(1) acts of god (such as, but not limited to, pandemics, fires, explosions, tornadoes, earthquakes, drought, and floods);

(2) federal, State, or local law or ordinance change;

(3) bankruptcy;

(4) permanent or temporary closure of one or more of the retail licensee's locations;

(5) the retail licensee obtains an additional liquor license for a new location;

(6) a retail licensee purchases another retail licensee's location;

(7) a new licensee opens a business at the same location where the prior licensee conducted business, when the new licensee takes possession of the inventory of the immediately prior license; or

(8) other unforeseeable circumstances beyond the

control of the licensee, such as circumstances:

(A) the licensee cannot reasonably take precautions to prevent; and

(B) in which the only reasonable method of disposing of the alcoholic liquor products would be a transfer to another licensee or location.

(b) The transfer shall be made by:

(1) common carrier;

(2) a licensed distributor's or importing distributor's vehicle; or

(3) a vehicle owned and operated by the licensee.

(c) All transfers must be properly documented on a form provided by the State Commission that includes the following information:

(1) the license number of the retail licensee's location from which the transfer is to be made and the license number of the retail licensee's location to which the transfer is to be made;

(2) the brand, size, and quantity of the wine or spirits to be transferred; and

(3) the date the transfer is made.

(d) A retail licensee location that transfers or receives an original package of wine or spirits as authorized by this Section shall not be deemed to be engaged in business as a wholesaler or distributor based upon the transfer authorized by this Section.

(e) A transfer authorized by this Section shall not be deemed a sale.

(Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

(235 ILCS 5/10-5) (from Ch. 43, par. 187)

Sec. 10-5. Whenever any officer, director, manager, or other employee ~~employe~~ in a position of authority of any licensee under this Act shall be convicted of any violation of this Act while engaged in the course of his employment or while upon the premises described by said license, said license shall be revoked and the fees paid thereon forfeited both as to the holder of said license and as to said premises, and said bond given by said licensee to secure the faithful compliance with the terms of this Act shall be forfeited in like manner as if said licensee had himself been convicted.

(Source: P.A. 82-783; revised 8-19-22.)

Section 545. The Illinois Public Aid Code is amended by changing Sections 5-3, 5-5, 5-5.01b, and 14-12 and the headings of Articles V-G, V-H, X, XIV, and XV and by setting forth, renumbering, and changing multiple versions of Section 5-45 as follows:

(305 ILCS 5/5-3) (from Ch. 23, par. 5-3)

Sec. 5-3. Residence. ~~:~~ Any person who has established his residence in this State and lives therein, including any

person who is a migrant worker, may qualify for medical assistance. A person who, while temporarily in this State, suffers injury or illness endangering his life and health and necessitating emergency care, may also qualify.

Temporary absence from the State shall not disqualify a person from maintaining his eligibility under this Article.

As used in this Section, "migrant worker" means any person residing temporarily and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising, or harvesting of any agricultural or horticultural commodities and the handling, packing, or processing of such commodities on the farm where produced or at the point of first processing, in animal husbandry, or in other activities connected with the care of animals. Dependents of such person shall be considered eligible if they are living with the person during his or her temporary residence and employment in Illinois.

In order to be eligible for medical assistance under this section, each migrant worker shall show proof of citizenship or legal immigration status.

(Source: P.A. 102-1030, eff. 5-27-22; revised 8-22-22.)

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate

of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant individuals, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment,

and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; (16.5) services performed by a chiropractic physician licensed under the Medical Practice Act of 1987 and acting within the scope of his or her license, including, but not limited to, chiropractic manipulative treatment; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered

under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, reproductive health care that is otherwise legal in Illinois shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article.

Notwithstanding any other provision of this Section, all tobacco cessation medications approved by the United States Food and Drug Administration and all individual and group tobacco cessation counseling services and telephone-based counseling services and tobacco cessation medications provided through the Illinois Tobacco Quitline shall be covered under the medical assistance program for persons who are otherwise eligible for assistance under this Article. The Department shall comply with all federal requirements necessary to obtain federal financial participation, as specified in 42 CFR 433.15(b)(7), for telephone-based counseling services provided through the Illinois Tobacco Quitline, including, but not limited to: (i) entering into a memorandum of understanding or interagency agreement with the Department of Public Health, as administrator of the Illinois Tobacco Quitline; and (ii) developing a cost allocation plan for Medicaid-allowable Illinois Tobacco Quitline services in accordance with 45 CFR 95.507. The Department shall submit the memorandum of

understanding or interagency agreement, the cost allocation plan, and all other necessary documentation to the Centers for Medicare and Medicaid Services for review and approval. Coverage under this paragraph shall be contingent upon federal approval.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL

KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

On and after July 1, 2018, the Department of Healthcare and Family Services shall provide dental services to any adult who is otherwise eligible for assistance under the medical assistance program. As used in this paragraph, "dental services" means diagnostic, preventative, restorative, or corrective procedures, including procedures and services for the prevention and treatment of periodontal disease and dental caries disease, provided by an individual who is licensed to practice dentistry or dental surgery or who is under the supervision of a dentist in the practice of his or her profession.

On and after July 1, 2018, targeted dental services, as set forth in Exhibit D of the Consent Decree entered by the United States District Court for the Northern District of Illinois, Eastern Division, in the matter of Memisovski v. Maram, Case No. 92 C 1982, that are provided to adults under the medical assistance program shall be established at no less than the rates set forth in the "New Rate" column in Exhibit D of the Consent Decree for targeted dental services that are provided to persons under the age of 18 under the medical assistance program.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

On and after January 1, 2022, the Department of Healthcare and Family Services shall administer and regulate a school-based dental program that allows for the out-of-office

delivery of preventative dental services in a school setting to children under 19 years of age. The Department shall establish, by rule, guidelines for participation by providers and set requirements for follow-up referral care based on the requirements established in the Dental Office Reference Manual published by the Department that establishes the requirements for dentists participating in the All Kids Dental School Program. Every effort shall be made by the Department when developing the program requirements to consider the different geographic differences of both urban and rural areas of the State for initial treatment and necessary follow-up care. No provider shall be charged a fee by any unit of local government to participate in the school-based dental program administered by the Department. Nothing in this paragraph shall be construed to limit or preempt a home rule unit's or school district's authority to establish, change, or administer a school-based dental program in addition to, or independent of, the school-based dental program administered by the Department.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the

diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for individuals 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for individuals 35 to 39 years of age.

(B) An annual mammogram for individuals 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the individual's health care provider for individuals under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening and MRI of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue or when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in

all of its branches.

(F) A diagnostic mammogram when medically necessary, as determined by a physician licensed to practice medicine in all its branches, advanced practice registered nurse, or physician assistant.

The Department shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage provided under this paragraph; except that this sentence does not apply to coverage of diagnostic mammograms to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to Section 223 of the Internal Revenue Code (26 U.S.C. 223).

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool.

For purposes of this Section:

"Diagnostic mammogram" means a mammogram obtained using diagnostic mammography.

"Diagnostic mammography" means a method of screening that is designed to evaluate an abnormality in a breast, including an abnormality seen or suspected on a screening mammogram or a subjective or objective abnormality otherwise detected in the breast.

"Low-dose mammography" means the x-ray examination of the

breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography and includes breast tomosynthesis.

"Breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage for breast tomosynthesis outlined in this paragraph, then the requirement that an insurer cover breast tomosynthesis is inoperative other than any such coverage authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of coverage for breast tomosynthesis set forth in this paragraph.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography and, after January 1, 2023 (the effective date of Public Act 102-1018) ~~this amendatory Act of the 102nd General Assembly~~, breast tomosynthesis.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free-standing breast cancer treatment centers, breast cancer quality organizations, and

doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind individuals who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or

patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

The Department shall provide coverage and reimbursement for a human papillomavirus (HPV) vaccine that is approved for marketing by the federal Food and Drug Administration for all persons between the ages of 9 and 45 and persons of the age of 46 and above who have been diagnosed with cervical dysplasia

with a high risk of recurrence or progression. The Department shall disallow any preauthorization requirements for the administration of the human papillomavirus (HPV) vaccine.

On or after July 1, 2022, individuals who are otherwise eligible for medical assistance under this Article shall receive coverage for perinatal depression screenings for the 12-month period beginning on the last day of their pregnancy. Medical assistance coverage under this paragraph shall be conditioned on the use of a screening instrument approved by the Department.

Any medical or health care provider shall immediately recommend, to any pregnant individual who is being provided prenatal services and is suspected of having a substance use disorder as defined in the Substance Use Disorder Act, referral to a local substance use disorder treatment program licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant individuals under this Code shall receive information from the Department on the availability of services under any program providing case management services for addicted

individuals, including information on appropriate referrals for other social services that may be needed by addicted individuals in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of the recipient's substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services

for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care

providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall

have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439), the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the

Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or

liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon the category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i)

by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 120 calendar days of receipt by the facility of required prescreening information, new admissions with associated admission documents shall be submitted through the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior

rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in

cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including, but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre-adjudicated ~~pre-~~ or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies,

procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Notwithstanding any provision of Section 5-5f to the contrary, the Department may, by rule, exempt certain replacement wheelchair parts from prior approval and, for wheelchairs, wheelchair parts, wheelchair accessories, and related seating and positioning items, determine the wholesale price by methods other than actual acquisition costs.

The Department shall require, by rule, all providers of durable medical equipment to be accredited by an accreditation organization approved by the federal Centers for Medicare and Medicaid Services and recognized by the Department in order to bill the Department for providing durable medical equipment to recipients. No later than 15 months after the effective date

of the rule adopted pursuant to this paragraph, all providers must meet the accreditation requirement.

In order to promote environmental responsibility, meet the needs of recipients and enrollees, and achieve significant cost savings, the Department, or a managed care organization under contract with the Department, may provide recipients or managed care enrollees who have a prescription or Certificate of Medical Necessity access to refurbished durable medical equipment under this Section (excluding prosthetic and orthotic devices as defined in the Orthotics, Prosthetics, and Pedorthics Practice Act and complex rehabilitation technology products and associated services) through the State's assistive technology program's reutilization program, using staff with the Assistive Technology Professional (ATP) Certification if the refurbished durable medical equipment: (i) is available; (ii) is less expensive, including shipping costs, than new durable medical equipment of the same type; (iii) is able to withstand at least 3 years of use; (iv) is cleaned, disinfected, sterilized, and safe in accordance with federal Food and Drug Administration regulations and guidance governing the reprocessing of medical devices in health care settings; and (v) equally meets the needs of the recipient or enrollee. The reutilization program shall confirm that the recipient or enrollee is not already in receipt of the same or similar equipment from another service provider, and that the refurbished durable medical equipment equally meets the needs

of the recipient or enrollee. Nothing in this paragraph shall be construed to limit recipient or enrollee choice to obtain new durable medical equipment or place any additional prior authorization conditions on enrollees of managed care organizations.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores

for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the institutional and home and community-based long term care interests. This Section shall not restrict the Department from implementing lower level of care eligibility criteria for community-based services in circumstances where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;

(b) actual statistics and trends in the provision of the various medical services by medical vendors;

(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and

(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost-effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11

of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the

medication product, administration devices, and any pharmacy fees or hospital fees related to the dispensing, distribution, and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration. The Department shall not impose a copayment on the coverage provided for naloxone hydrochloride under the medical assistance program.

Upon federal approval, the Department shall provide coverage and reimbursement for all drugs that are approved for marketing by the federal Food and Drug Administration and that are recommended by the federal Public Health Service or the United States Centers for Disease Control and Prevention for pre-exposure prophylaxis and related pre-exposure prophylaxis services, including, but not limited to, HIV and sexually transmitted infection screening, treatment for sexually transmitted infections, medical monitoring, assorted labs, and counseling to reduce the likelihood of HIV infection among individuals who are not infected with HIV but who are at high risk of HIV infection.

A federally qualified health center, as defined in Section

1905(l)(2)(B) of the federal Social Security Act, shall be reimbursed by the Department in accordance with the federally qualified health center's encounter rate for services provided to medical assistance recipients that are performed by a dental hygienist, as defined under the Illinois Dental Practice Act, working under the general supervision of a dentist and employed by a federally qualified health center.

Within 90 days after October 8, 2021 (the effective date of Public Act 102-665), the Department shall seek federal approval of a State Plan amendment to expand coverage for family planning services that includes presumptive eligibility to individuals whose income is at or below 208% of the federal poverty level. Coverage under this Section shall be effective beginning no later than December 1, 2022.

Subject to approval by the federal Centers for Medicare and Medicaid Services of a Title XIX State Plan amendment electing the Program of All-Inclusive Care for the Elderly (PACE) as a State Medicaid option, as provided for by Subtitle I (commencing with Section 4801) of Title IV of the Balanced Budget Act of 1997 (Public Law 105-33) and Part 460 (commencing with Section 460.2) of Subchapter E of Title 42 of the Code of Federal Regulations, PACE program services shall become a covered benefit of the medical assistance program, subject to criteria established in accordance with all applicable laws.

Notwithstanding any other provision of this Code,

community-based pediatric palliative care from a trained interdisciplinary team shall be covered under the medical assistance program as provided in Section 15 of the Pediatric Palliative Care Act.

Notwithstanding any other provision of this Code, within 12 months after June 2, 2022 (the effective date of Public Act 102-1037) ~~this amendatory Act of the 102nd General Assembly~~ and subject to federal approval, acupuncture services performed by an acupuncturist licensed under the Acupuncture Practice Act who is acting within the scope of his or her license shall be covered under the medical assistance program. The Department shall apply for any federal waiver or State Plan amendment, if required, to implement this paragraph. The Department may adopt any rules, including standards and criteria, necessary to implement this paragraph.

(Source: P.A. 101-209, eff. 8-5-19; 101-580, eff. 1-1-20; 102-43, Article 30, Section 30-5, eff. 7-6-21; 102-43, Article 35, Section 35-5, eff. 7-6-21; 102-43, Article 55, Section 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123, eff. 1-1-22; 102-558, eff. 8-20-21; 102-598, eff. 1-1-22; 102-655, eff. 1-1-22; 102-665, eff. 10-8-21; 102-813, eff. 5-13-22; 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22; 102-1038 eff. 1-1-23; revised 2-5-23.)

(305 ILCS 5/5-5.01b)

Sec. 5-5.01b. Certified Nursing Assistant Intern Program.

(a) The Department shall establish or approve a Certified Nursing Assistant Intern Program to address the increasing need for trained health care workers for the supporting living facilities program established under Section 5-5.01a. Upon successful completion of the classroom education and on-the-job training requirements of the Program under this Section, an individual may provide, at a facility certified under this Act, the patient and resident care services determined under the Program and may perform the procedures listed under subsection (d).

(b) In order to qualify as a certified nursing assistant intern, an individual shall successfully complete at least 8 hours of classroom education on the services and procedures listed under subsection (d). The classroom education shall be:

(1) taken within the facility where the certified nursing assistant intern will be employed;

(2) proctored by either an advanced practice registered nurse or a registered nurse who holds a bachelor's degree in nursing, has a minimum of 3 years of continuous experience in geriatric care, or is certified as a nursing assistant instructor; and

(3) satisfied by the successful completion of an approved 8-hour online training course or in-person group training.

(c) In order to qualify as a certified nursing assistant intern, an individual shall successfully complete at least 24

hours of on-the-job training in the services and procedures determined under the Program and listed under subsection (d), as follows:

(1) The training program instructor shall be either an advanced practice registered nurse or a registered nurse who holds a bachelor's degree in nursing, has a minimum of 3 years of continuous experience in geriatric care, or is certified as a nursing assistant instructor.

(2) The training program instructor shall ensure that the student meets the competencies determined under the Program and those listed under subsection (d). The instructor shall document the successful completion or failure of the competencies and any remediation that may allow for the successful completion of the competencies.

(3) All on-the-job training shall be under the direct observation of either an advanced practice registered nurse or a registered nurse who holds a bachelor's degree in nursing, has a minimum of 3 years of continuous experience in geriatric care, or is certified as a nursing assistant instructor.

(4) All on-the-job training shall be conducted at a facility that is licensed by the State of Illinois and that is the facility where the certified nursing assistant intern will be working.

(d) A certified nursing assistant intern shall receive classroom and on-the-job training on how to provide the

patient or resident care services and procedures, as determined under the Program, that are required of a certified nursing assistant's performance skills, including, but not limited to, all of the following:

(1) Successful completion and maintenance of active certification in both first aid and the American Red Cross' courses on cardiopulmonary resuscitation.

(2) Infection control and in-service training required at the facility.

(3) Washing a resident's hands.

(4) Performing oral hygiene on a resident.

(5) Shaving a resident with an electric razor.

(6) Giving a resident a partial bath.

(7) Making a bed that is occupied.

(8) Dressing a resident.

(9) Transferring a resident to a wheelchair using a gait belt or transfer belt.

(10) Ambulating a resident with a gait belt or transfer belt.

(11) Feeding a resident.

(12) Calculating a resident's intake and output.

(13) Placing a resident in a side-lying position.

(14) The Heimlich maneuver.

(e) A certified nursing assistant intern may not perform any of the following on a resident:

(1) Shaving with a nonelectric razor.

(2) Nail care.

(3) Perineal care.

(4) Transfer using a mechanical lift.

(5) Passive range of motion.

(f) A certified nursing assistant intern may only provide the patient or resident care services and perform the procedures that he or she is deemed qualified to perform that are listed under subsection (d). A certified nursing assistant intern may not provide the procedures excluded under subsection (e).

(g) A certified nursing assistant intern shall report to a facility's charge nurse or nursing supervisor and may only be assigned duties authorized in this Section by a supervising nurse.

(h) A facility shall notify its certified and licensed staff members, in writing, that a certified nursing assistant intern may only provide the services and perform the procedures listed under subsection (d). The notification shall detail which duties may be delegated to a certified nursing assistant intern.

(i) If a facility learns that a certified nursing assistant intern is performing work outside of the scope of the Program's training, the facility shall:

(1) stop the certified nursing assistant intern from performing the work;

(2) inspect the work and correct mistakes, if the work

performed was done improperly;

(3) assign the work to the appropriate personnel; and

(4) ensure that a thorough assessment of any resident involved in the work performed is completed by a registered nurse.

(j) The Program is subject to the Health Care Worker Background Check Act and the Health Care Worker Background Check Code under 77 Ill. Adm. Code 955. Program participants and personnel shall be included on the Health Care Worker Registry.

(k) A Program participant who has completed the training required under paragraph (5) of subsection (a) of Section 3-206 of the Nursing Home Care Act, has completed the Program from April 21, 2020 through September 18, 2020, and has shown competency in all of the performance skills listed under subsection (d) shall be considered a certified nursing assistant intern.

(l) The requirement under subsection (b) of Section 395.400 of Title 77 of the Illinois Administrative Code that a student must pass a BNATP written competency examination within 12 months after the completion of the BNATP does not apply to a certified nursing assistant intern under this Section. However, upon a Program participant's enrollment in a certified nursing assistant course, the requirement under subsection (b) of Section 395.400 of Title 77 of the Illinois Administrative Code that a student pass a BNATP written

competency examination within 12 months after completion of the BNATP program applies.

(m) A certified nursing assistant intern shall enroll in a certified nursing assistant program within 6 months after completing his or her certified nursing assistant intern training under the Program. The individual may continue to work as a certified nursing assistant intern during his or her certified nursing assistant training. If the scope of work for a nurse assistant in training pursuant to 77 Ill. Adm. Code 300.660 is broader in scope than the work permitted to be performed by a certified nursing assistant intern, then the certified nursing assistant intern enrolled in certified nursing assistant training may perform the work allowed under 77. Ill. Adm. Code 300.660. The individual shall receive one hour of credit for every hour employed as a certified nursing assistant intern or as a temporary nurse assistant, not to exceed 30 hours of credit, subject to the approval of an accredited certified nursing assistant training program.

(n) A facility that seeks to train and employ a certified nursing assistant intern at the facility must:

(1) not have received a substantiated citation, that the facility has the right to the appeal, for a violation that has caused severe harm to or the death of a resident within the 2 years prior to employing a certified nursing assistant intern; and

(2) establish a certified nursing assistant intern

mentoring program within the facility for the purposes of increasing education and retention, which must include an experienced certified nurse assistant who has at least 3 years of active employment and is employed by the facility.

(o) A facility that does not meet the requirements of subsection (n) shall cease its new employment training, education, or onboarding of any employee under the Program. The facility may resume its new employment training, education, or onboarding of an employee under the Program once the Department determines that the facility is in compliance with subsection (n).

(p) To study the effectiveness of the Program, the Department shall collect data from participating facilities and publish a report on the extent to which the Program brought individuals into continuing employment as certified nursing assistants in long-term care. Data collected from facilities shall include, but shall not be limited to, the number of certified nursing assistants employed, the number of persons who began participation in the Program, the number of persons who successfully completed the Program, and the number of persons who continue employment in a long-term care service or facility. The report shall be published no later than 6 months after the Program end date determined under subsection (r). A facility participating in the Program shall, twice annually, submit data under this subsection in a manner and time

determined by the Department. Failure to submit data under this subsection shall result in suspension of the facility's Program.

(q) The Department may adopt emergency rules in accordance with Section 5-45.32 ~~5-45.22~~ of the Illinois Administrative Procedure Act.

(r) The Program shall end upon the termination of the Secretary of Health and Human Services' public health emergency declaration for COVID-19 or 3 years after the date that the Program becomes operational, whichever occurs later.

(s) This Section is inoperative 18 months after the Program end date determined under subsection (r).

(Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

(305 ILCS 5/5-45)

Sec. 5-45. Reimbursement rates; substance use disorder treatment providers and facilities. Beginning on July 1, 2022, the Department of Human Services' Division of Substance Use Prevention and Recovery in conjunction with the Department of Healthcare and Family Services, shall provide for an increase in reimbursement rates by way of an increase to existing rates of 47% for all community-based substance use disorder treatment services, including, but not limited to, all of the following:

(1) Admission and Discharge Assessment.

(2) Level 1 (Individual).

(3) Level 1 (Group).

(4) Level 2 (Individual).

(5) Level 2 (Group).

(6) Psychiatric/Diagnostic.

(7) Medication Monitoring (Individual).

(8) Methadone as an Adjunct to Treatment.

No existing or future reimbursement rates or add-ons shall be reduced or changed to address the rate increase proposed under this Section. The Department of Healthcare and Family Services shall immediately, no later than 3 months following April 19, 2022 (the effective date of Public Act 102-699) ~~this amendatory Act of the 102nd General Assembly~~, submit any necessary application to the federal Centers for Medicare and Medicaid Services for a waiver or State Plan amendment to implement the requirements of this Section. Beginning in State fiscal year 2023, and every State fiscal year thereafter, reimbursement rates for those community-based substance use disorder treatment services shall be adjusted upward by an amount equal to the Consumer Price Index-U from the previous year, not to exceed 2% in any State fiscal year. If there is a decrease in the Consumer Price Index-U, rates shall remain unchanged for that State fiscal year. The Department of Human Services shall adopt rules, including emergency rules under Section 5-45.1 of the Illinois Administrative Procedure Act, to implement the provisions of this Section.

As used in this Section, "consumer price index-u" means

the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100.

(Source: P.A. 102-699, eff. 4-19-22; revised 8-8-22.)

(305 ILCS 5/5-46)

Sec. 5-46 ~~5-45~~. General acute care hospitals. A general acute care hospital is authorized to file a notice with the Department of Public Health and the Health Facilities and Services Review Board to establish an acute mental illness category of service in accordance with the Illinois Health Facilities Planning Act and add authorized acute mental illness beds if the following conditions are met:

(1) the general acute care hospital qualifies as a safety-net hospital, as defined in Section 5-5e.1, as determined by the Department of Healthcare and Family Services at the time of filing the notice or for the year immediately prior to the date of filing the notice;

(2) the notice seeks to establish no more than 24 authorized acute mental illness beds; and

(3) the notice seeks to reduce the number of authorized beds in another category of service to offset the number of authorized acute mental illness beds.

(Source: P.A. 102-886, eff. 5-17-22; revised 8-8-22.)

(305 ILCS 5/Art. V-G heading)

ARTICLE V-G. SUPPORTIVE LIVING FACILITY FUNDING~~.~~

(Source: P.A. 98-651, eff. 6-16-14; revised 8-22-22.)

(305 ILCS 5/Art. V-H heading)

ARTICLE V-H. MANAGED CARE ORGANIZATION PROVIDER ASSESSMENT~~.~~

(Source: P.A. 101-9, eff. 6-5-19; revised 8-22-22.)

(305 ILCS 5/Art. X heading)

ARTICLE X~~.~~ DETERMINATION AND ENFORCEMENT OF SUPPORT RESPONSIBILITY OF RELATIVES

(305 ILCS 5/Art. XIV heading)

ARTICLE XIV. HOSPITAL SERVICES TRUST FUND

(305 ILCS 5/14-12)

Sec. 14-12. Hospital rate reform payment system. The hospital payment system pursuant to Section 14-11 of this Article shall be as follows:

(a) Inpatient hospital services. Effective for discharges on and after July 1, 2014, reimbursement for inpatient general acute care services shall utilize the All Patient Refined Diagnosis Related Grouping (APR-DRG) software, version 30, distributed by 3M™ Health Information System.

(1) The Department shall establish Medicaid weighting

factors to be used in the reimbursement system established under this subsection. Initial weighting factors shall be the weighting factors as published by 3M Health Information System, associated with Version 30.0 adjusted for the Illinois experience.

(2) The Department shall establish a statewide-standardized amount to be used in the inpatient reimbursement system. The Department shall publish these amounts on its website no later than 10 calendar days prior to their effective date.

(3) In addition to the statewide-standardized amount, the Department shall develop adjusters to adjust the rate of reimbursement for critical Medicaid providers or services for trauma, transplantation services, perinatal care, and Graduate Medical Education (GME).

(4) The Department shall develop add-on payments to account for exceptionally costly inpatient stays, consistent with Medicare outlier principles. Outlier fixed loss thresholds may be updated to control for excessive growth in outlier payments no more frequently than on an annual basis, but at least once every 4 years. Upon updating the fixed loss thresholds, the Department shall be required to update base rates within 12 months.

(5) The Department shall define those hospitals or distinct parts of hospitals that shall be exempt from the APR-DRG reimbursement system established under this

Section. The Department shall publish these hospitals' inpatient rates on its website no later than 10 calendar days prior to their effective date.

(6) Beginning July 1, 2014 and ending on June 30, 2024, in addition to the statewide-standardized amount, the Department shall develop an adjustor to adjust the rate of reimbursement for safety-net hospitals defined in Section 5-5e.1 of this Code excluding pediatric hospitals.

(7) Beginning July 1, 2014, in addition to the statewide-standardized amount, the Department shall develop an adjustor to adjust the rate of reimbursement for Illinois freestanding inpatient psychiatric hospitals that are not designated as children's hospitals by the Department but are primarily treating patients under the age of 21.

(7.5) (Blank).

(8) Beginning July 1, 2018, in addition to the statewide-standardized amount, the Department shall adjust the rate of reimbursement for hospitals designated by the Department of Public Health as a Perinatal Level II or II+ center by applying the same adjustor that is applied to Perinatal and Obstetrical care cases for Perinatal Level III centers, as of December 31, 2017.

(9) Beginning July 1, 2018, in addition to the statewide-standardized amount, the Department shall apply the same adjustor that is applied to trauma cases as of

December 31, 2017 to inpatient claims to treat patients with burns, including, but not limited to, APR-DRGs 841, 842, 843, and 844.

(10) Beginning July 1, 2018, the statewide-standardized amount for inpatient general acute care services shall be uniformly increased so that base claims projected reimbursement is increased by an amount equal to the funds allocated in paragraph (1) of subsection (b) of Section 5A-12.6, less the amount allocated under paragraphs (8) and (9) of this subsection and paragraphs (3) and (4) of subsection (b) multiplied by 40%.

(11) Beginning July 1, 2018, the reimbursement for inpatient rehabilitation services shall be increased by the addition of a $96 per day add-on.

(b) Outpatient hospital services. Effective for dates of service on and after July 1, 2014, reimbursement for outpatient services shall utilize the Enhanced Ambulatory Procedure Grouping (EAPG) software, version 3.7 distributed by 3M™ Health Information System.

(1) The Department shall establish Medicaid weighting factors to be used in the reimbursement system established under this subsection. The initial weighting factors shall be the weighting factors as published by 3M Health Information System, associated with Version 3.7.

(2) The Department shall establish service specific

statewide-standardized amounts to be used in the reimbursement system.

(A) The initial statewide standardized amounts, with the labor portion adjusted by the Calendar Year 2013 Medicare Outpatient Prospective Payment System wage index with reclassifications, shall be published by the Department on its website no later than 10 calendar days prior to their effective date.

(B) The Department shall establish adjustments to the statewide-standardized amounts for each Critical Access Hospital, as designated by the Department of Public Health in accordance with 42 CFR 485, Subpart F. For outpatient services provided on or before June 30, 2018, the EAPG standardized amounts are determined separately for each critical access hospital such that simulated EAPG payments using outpatient base period paid claim data plus payments under Section 5A-12.4 of this Code net of the associated tax costs are equal to the estimated costs of outpatient base period claims data with a rate year cost inflation factor applied.

(3) In addition to the statewide-standardized amounts, the Department shall develop adjusters to adjust the rate of reimbursement for critical Medicaid hospital outpatient providers or services, including outpatient high volume or safety-net hospitals. Beginning July 1, 2018, the outpatient high volume adjustor shall be increased to

increase annual expenditures associated with this adjustor by $79,200,000, based on the State Fiscal Year 2015 base year data and this adjustor shall apply to public hospitals, except for large public hospitals, as defined under 89 Ill. Adm. Code 148.25(a).

(4) Beginning July 1, 2018, in addition to the statewide standardized amounts, the Department shall make an add-on payment for outpatient expensive devices and drugs. This add-on payment shall at least apply to claim lines that: (i) are assigned with one of the following EAPGs: 490, 1001 to 1020, and coded with one of the following revenue codes: 0274 to 0276, 0278; or (ii) are assigned with one of the following EAPGs: 430 to 441, 443, 444, 460 to 465, 495, 496, 1090. The add-on payment shall be calculated as follows: the claim line's covered charges multiplied by the hospital's total acute cost to charge ratio, less the claim line's EAPG payment plus $1,000, multiplied by 0.8.

(5) Beginning July 1, 2018, the statewide-standardized amounts for outpatient services shall be increased by a uniform percentage so that base claims projected reimbursement is increased by an amount equal to no less than the funds allocated in paragraph (1) of subsection (b) of Section 5A-12.6, less the amount allocated under paragraphs (8) and (9) of subsection (a) and paragraphs (3) and (4) of this subsection multiplied by 46%.

(6) Effective for dates of service on or after July 1, 2018, the Department shall establish adjustments to the statewide-standardized amounts for each Critical Access Hospital, as designated by the Department of Public Health in accordance with 42 CFR 485, Subpart F, such that each Critical Access Hospital's standardized amount for outpatient services shall be increased by the applicable uniform percentage determined pursuant to paragraph (5) of this subsection. It is the intent of the General Assembly that the adjustments required under this paragraph (6) by Public Act 100-1181 shall be applied retroactively to claims for dates of service provided on or after July 1, 2018.

(7) Effective for dates of service on or after March 8, 2019 (the effective date of Public Act 100-1181), the Department shall recalculate and implement an updated statewide-standardized amount for outpatient services provided by hospitals that are not Critical Access Hospitals to reflect the applicable uniform percentage determined pursuant to paragraph (5).

(1) Any recalculation to the statewide-standardized amounts for outpatient services provided by hospitals that are not Critical Access Hospitals shall be the amount necessary to achieve the increase in the statewide-standardized amounts for outpatient services increased by a uniform percentage,

so that base claims projected reimbursement is increased by an amount equal to no less than the funds allocated in paragraph (1) of subsection (b) of Section 5A-12.6, less the amount allocated under paragraphs (8) and (9) of subsection (a) and paragraphs (3) and (4) of this subsection, for all hospitals that are not Critical Access Hospitals, multiplied by 46%.

(2) It is the intent of the General Assembly that the recalculations required under this paragraph (7) by Public Act 100-1181 shall be applied prospectively to claims for dates of service provided on or after March 8, 2019 (the effective date of Public Act 100-1181) and that no recoupment or repayment by the Department or an MCO of payments attributable to recalculation under this paragraph (7), issued to the hospital for dates of service on or after July 1, 2018 and before March 8, 2019 (the effective date of Public Act 100-1181), shall be permitted.

(8) The Department shall ensure that all necessary adjustments to the managed care organization capitation base rates necessitated by the adjustments under subparagraph (6) or (7) of this subsection are completed and applied retroactively in accordance with Section 5-30.8 of this Code within 90 days of March 8, 2019 (the effective date of Public Act 100-1181).

(9) Within 60 days after federal approval of the change made to the assessment in Section 5A-2 by Public Act 101-650 ~~this amendatory Act of the 101st General Assembly~~, the Department shall incorporate into the EAPG system for outpatient services those services performed by hospitals currently billed through the Non-Institutional Provider billing system.

(b-5) Notwithstanding any other provision of this Section, beginning with dates of service on and after January 1, 2023, any general acute care hospital with more than 500 outpatient psychiatric Medicaid services to persons under 19 years of age in any calendar year shall be paid the outpatient add-on payment of no less than $113.

(c) In consultation with the hospital community, the Department is authorized to replace 89 Ill. Adm. ~~Admin.~~ Code 152.150 as published in 38 Ill. Reg. 4980 through 4986 within 12 months of June 16, 2014 (the effective date of Public Act 98-651). If the Department does not replace these rules within 12 months of June 16, 2014 (the effective date of Public Act 98-651), the rules in effect for 152.150 as published in 38 Ill. Reg. 4980 through 4986 shall remain in effect until modified by rule by the Department. Nothing in this subsection shall be construed to mandate that the Department file a replacement rule.

(d) Transition period. There shall be a transition period to the reimbursement systems authorized under this Section

that shall begin on the effective date of these systems and continue until June 30, 2018, unless extended by rule by the Department. To help provide an orderly and predictable transition to the new reimbursement systems and to preserve and enhance access to the hospital services during this transition, the Department shall allocate a transitional hospital access pool of at least $290,000,000 annually so that transitional hospital access payments are made to hospitals.

(1) After the transition period, the Department may begin incorporating the transitional hospital access pool into the base rate structure; however, the transitional hospital access payments in effect on June 30, 2018 shall continue to be paid, if continued under Section 5A-16.

(2) After the transition period, if the Department reduces payments from the transitional hospital access pool, it shall increase base rates, develop new adjustors, adjust current adjustors, develop new hospital access payments based on updated information, or any combination thereof by an amount equal to the decreases proposed in the transitional hospital access pool payments, ensuring that the entire transitional hospital access pool amount shall continue to be used for hospital payments.

(d-5) Hospital and health care transformation program. The Department shall develop a hospital and health care transformation program to provide financial assistance to hospitals in transforming their services and care models to

better align with the needs of the communities they serve. The payments authorized in this Section shall be subject to approval by the federal government.

(1) Phase 1. In State fiscal years 2019 through 2020, the Department shall allocate funds from the transitional access hospital pool to create a hospital transformation pool of at least $262,906,870 annually and make hospital transformation payments to hospitals. Subject to Section 5A-16, in State fiscal years 2019 and 2020, an Illinois hospital that received either a transitional hospital access payment under subsection (d) or a supplemental payment under subsection (f) of this Section in State fiscal year 2018, shall receive a hospital transformation payment as follows:

(A) If the hospital's Rate Year 2017 Medicaid inpatient utilization rate is equal to or greater than 45%, the hospital transformation payment shall be equal to 100% of the sum of its transitional hospital access payment authorized under subsection (d) and any supplemental payment authorized under subsection (f).

(B) If the hospital's Rate Year 2017 Medicaid inpatient utilization rate is equal to or greater than 25% but less than 45%, the hospital transformation payment shall be equal to 75% of the sum of its transitional hospital access payment authorized under subsection (d) and any supplemental payment authorized

under subsection (f).

(C) If the hospital's Rate Year 2017 Medicaid inpatient utilization rate is less than 25%, the hospital transformation payment shall be equal to 50% of the sum of its transitional hospital access payment authorized under subsection (d) and any supplemental payment authorized under subsection (f).

(2) Phase 2.

(A) The funding amount from phase one shall be incorporated into directed payment and pass-through payment methodologies described in Section 5A-12.7.

(B) Because there are communities in Illinois that experience significant health care disparities due to systemic racism, as recently emphasized by the COVID-19 pandemic, aggravated by social determinants of health and a lack of sufficiently allocated healthcare resources, particularly community-based services, preventive care, obstetric care, chronic disease management, and specialty care, the Department shall establish a health care transformation program that shall be supported by the transformation funding pool. It is the intention of the General Assembly that innovative partnerships funded by the pool must be designed to establish or improve integrated health care delivery systems that will provide significant access to the Medicaid and uninsured populations in

their communities, as well as improve health care equity. It is also the intention of the General Assembly that partnerships recognize and address the disparities revealed by the COVID-19 pandemic, as well as the need for post-COVID care. During State fiscal years 2021 through 2027, the hospital and health care transformation program shall be supported by an annual transformation funding pool of up to $150,000,000, pending federal matching funds, to be allocated during the specified fiscal years for the purpose of facilitating hospital and health care transformation. No disbursement of moneys for transformation projects from the transformation funding pool described under this Section shall be considered an award, a grant, or an expenditure of grant funds. Funding agreements made in accordance with the transformation program shall be considered purchases of care under the Illinois Procurement Code, and funds shall be expended by the Department in a manner that maximizes federal funding to expend the entire allocated amount.

The Department shall convene, within 30 days after March 12, 2021 (the effective date of Public Act 101-655) ~~this amendatory Act of the 101st General Assembly~~, a workgroup that includes subject matter experts on healthcare disparities and stakeholders from distressed communities, which could be a

subcommittee of the Medicaid Advisory Committee, to review and provide recommendations on how Department policy, including health care transformation, can improve health disparities and the impact on communities disproportionately affected by COVID-19. The workgroup shall consider and make recommendations on the following issues: a community safety-net designation of certain hospitals, racial equity, and a regional partnership to bring additional specialty services to communities.

(C) As provided in paragraph (9) of Section 3 of the Illinois Health Facilities Planning Act, any hospital participating in the transformation program may be excluded from the requirements of the Illinois Health Facilities Planning Act for those projects related to the hospital's transformation. To be eligible, the hospital must submit to the Health Facilities and Services Review Board approval from the Department that the project is a part of the hospital's transformation.

(D) As provided in subsection (a-20) of Section 32.5 of the Emergency Medical Services (EMS) Systems Act, a hospital that received hospital transformation payments under this Section may convert to a freestanding emergency center. To be eligible for such a conversion, the hospital must submit to the

Department of Public Health approval from the Department that the project is a part of the hospital's transformation.

(E) Criteria for proposals. To be eligible for funding under this Section, a transformation proposal shall meet all of the following criteria:

(i) the proposal shall be designed based on community needs assessment completed by either a University partner or other qualified entity with significant community input;

(ii) the proposal shall be a collaboration among providers across the care and community spectrum, including preventative care, primary care specialty care, hospital services, mental health and substance abuse services, as well as community-based entities that address the social determinants of health;

(iii) the proposal shall be specifically designed to improve healthcare outcomes and reduce healthcare disparities, and improve the coordination, effectiveness, and efficiency of care delivery;

(iv) the proposal shall have specific measurable metrics related to disparities that will be tracked by the Department and made public by the Department;

(v) the proposal shall include a commitment to include Business Enterprise Program certified vendors or other entities controlled and managed by minorities or women; and

(vi) the proposal shall specifically increase access to primary, preventive, or specialty care.

(F) Entities eligible to be funded.

(i) Proposals for funding should come from collaborations operating in one of the most distressed communities in Illinois as determined by the U.S. Centers for Disease Control and Prevention's Social Vulnerability Index for Illinois and areas disproportionately impacted by COVID-19 or from rural areas of Illinois.

(ii) The Department shall prioritize partnerships from distressed communities, which include Business Enterprise Program certified vendors or other entities controlled and managed by minorities or women and also include one or more of the following: safety-net hospitals, critical access hospitals, the campuses of hospitals that have closed since January 1, 2018, or other healthcare providers designed to address specific healthcare disparities, including the impact of COVID-19 on individuals and the community and the need for post-COVID care. All

funded proposals must include specific measurable goals and metrics related to improved outcomes and reduced disparities which shall be tracked by the Department.

(iii) The Department should target the funding in the following ways: $30,000,000 of transformation funds to projects that are a collaboration between a safety-net hospital, particularly community safety-net hospitals, and other providers and designed to address specific healthcare disparities, $20,000,000 of transformation funds to collaborations between safety-net hospitals and a larger hospital partner that increases specialty care in distressed communities, $30,000,000 of transformation funds to projects that are a collaboration between hospitals and other providers in distressed areas of the State designed to address specific healthcare disparities, $15,000,000 to collaborations between critical access hospitals and other providers designed to address specific healthcare disparities, and $15,000,000 to cross-provider collaborations designed to address specific healthcare disparities, and $5,000,000 to collaborations that focus on workforce development.

(iv) The Department may allocate up to $5,000,000 for planning, racial equity analysis, or consulting resources for the Department or entities without the resources to develop a plan to meet the criteria of this Section. Any contract for consulting services issued by the Department under this subparagraph shall comply with the provisions of Section 5-45 of the State Officials and Employees Ethics Act. Based on availability of federal funding, the Department may directly procure consulting services or provide funding to the collaboration. The provision of resources under this subparagraph is not a guarantee that a project will be approved.

(v) The Department shall take steps to ensure that safety-net hospitals operating in under-resourced communities receive priority access to hospital and healthcare transformation funds, including consulting funds, as provided under this Section.

(G) Process for submitting and approving projects for distressed communities. The Department shall issue a template for application. The Department shall post any proposal received on the Department's website for at least 2 weeks for public comment, and any such public comment shall also be considered in the review

process. Applicants may request that proprietary financial information be redacted from publicly posted proposals and the Department in its discretion may agree. Proposals for each distressed community must include all of the following:

(i) A detailed description of how the project intends to affect the goals outlined in this subsection, describing new interventions, new technology, new structures, and other changes to the healthcare delivery system planned.

(ii) A detailed description of the racial and ethnic makeup of the entities' board and leadership positions and the salaries of the executive staff of entities in the partnership that is seeking to obtain funding under this Section.

(iii) A complete budget, including an overall timeline and a detailed pathway to sustainability within a 5-year period, specifying other sources of funding, such as in-kind, cost-sharing, or private donations, particularly for capital needs. There is an expectation that parties to the transformation project dedicate resources to the extent they are able and that these expectations are delineated separately for each entity in the proposal.

(iv) A description of any new entities formed or other legal relationships between collaborating entities and how funds will be allocated among participants.

(v) A timeline showing the evolution of sites and specific services of the project over a 5-year period, including services available to the community by site.

(vi) Clear milestones indicating progress toward the proposed goals of the proposal as checkpoints along the way to continue receiving funding. The Department is authorized to refine these milestones in agreements, and is authorized to impose reasonable penalties, including repayment of funds, for substantial lack of progress.

(vii) A clear statement of the level of commitment the project will include for minorities and women in contracting opportunities, including as equity partners where applicable, or as subcontractors and suppliers in all phases of the project.

(viii) If the community study utilized is not the study commissioned and published by the Department, the applicant must define the methodology used, including documentation of clear

community participation.

(ix) A description of the process used in collaborating with all levels of government in the community served in the development of the project, including, but not limited to, legislators and officials of other units of local government.

(x) Documentation of a community input process in the community served, including links to proposal materials on public websites.

(xi) Verifiable project milestones and quality metrics that will be impacted by transformation. These project milestones and quality metrics must be identified with improvement targets that must be met.

(xii) Data on the number of existing employees by various job categories and wage levels by the zip code of the employees' residence and benchmarks for the continued maintenance and improvement of these levels. The proposal must also describe any retraining or other workforce development planned for the new project.

(xiii) If a new entity is created by the project, a description of how the board will be reflective of the community served by the proposal.

(xiv) An explanation of how the proposal will address the existing disparities that exacerbated the impact of COVID-19 and the need for post-COVID care in the community, if applicable.

(xv) An explanation of how the proposal is designed to increase access to care, including specialty care based upon the community's needs.

(H) The Department shall evaluate proposals for compliance with the criteria listed under subparagraph (G). Proposals meeting all of the criteria may be eligible for funding with the areas of focus prioritized as described in item (ii) of subparagraph (F). Based on the funds available, the Department may negotiate funding agreements with approved applicants to maximize federal funding. Nothing in this subsection requires that an approved project be funded to the level requested. Agreements shall specify the amount of funding anticipated annually, the methodology of payments, the limit on the number of years such funding may be provided, and the milestones and quality metrics that must be met by the projects in order to continue to receive funding during each year of the program. Agreements shall specify the terms and conditions under which a health care facility that receives funds under a purchase of care agreement and closes in violation of the terms of the agreement must

pay an early closure fee no greater than 50% of the funds it received under the agreement, prior to the Health Facilities and Services Review Board considering an application for closure of the facility. Any project that is funded shall be required to provide quarterly written progress reports, in a form prescribed by the Department, and at a minimum shall include the progress made in achieving any milestones or metrics or Business Enterprise Program commitments in its plan. The Department may reduce or end payments, as set forth in transformation plans, if milestones or metrics or Business Enterprise Program commitments are not achieved. The Department shall seek to make payments from the transformation fund in a manner that is eligible for federal matching funds.

In reviewing the proposals, the Department shall take into account the needs of the community, data from the study commissioned by the Department from the University of Illinois-Chicago if applicable, feedback from public comment on the Department's website, as well as how the proposal meets the criteria listed under subparagraph (G). Alignment with the Department's overall strategic initiatives shall be an important factor. To the extent that fiscal year funding is not adequate to fund all eligible projects that apply, the Department shall prioritize

applications that most comprehensively and effectively address the criteria listed under subparagraph (G).

(3) (Blank).

(4) Hospital Transformation Review Committee. There is created the Hospital Transformation Review Committee. The Committee shall consist of 14 members. No later than 30 days after March 12, 2018 (the effective date of Public Act 100-581), the 4 legislative leaders shall each appoint 3 members; the Governor shall appoint the Director of Healthcare and Family Services, or his or her designee, as a member; and the Director of Healthcare and Family Services shall appoint one member. Any vacancy shall be filled by the applicable appointing authority within 15 calendar days. The members of the Committee shall select a Chair and a Vice-Chair from among its members, provided that the Chair and Vice-Chair cannot be appointed by the same appointing authority and must be from different political parties. The Chair shall have the authority to establish a meeting schedule and convene meetings of the Committee, and the Vice-Chair shall have the authority to convene meetings in the absence of the Chair. The Committee may establish its own rules with respect to meeting schedule, notice of meetings, and the disclosure of documents; however, the Committee shall not have the power to subpoena individuals or documents and any rules must be approved by 9 of the 14 members. The Committee

shall perform the functions described in this Section and advise and consult with the Director in the administration of this Section. In addition to reviewing and approving the policies, procedures, and rules for the hospital and health care transformation program, the Committee shall consider and make recommendations related to qualifying criteria and payment methodologies related to safety-net hospitals and children's hospitals. Members of the Committee appointed by the legislative leaders shall be subject to the jurisdiction of the Legislative Ethics Commission, not the Executive Ethics Commission, and all requests under the Freedom of Information Act shall be directed to the applicable Freedom of Information officer for the General Assembly. The Department shall provide operational support to the Committee as necessary. The Committee is dissolved on April 1, 2019.

(e) Beginning 36 months after initial implementation, the Department shall update the reimbursement components in subsections (a) and (b), including standardized amounts and weighting factors, and at least once every 4 years and no more frequently than annually thereafter. The Department shall publish these updates on its website no later than 30 calendar days prior to their effective date.

(f) Continuation of supplemental payments. Any supplemental payments authorized under Illinois Administrative Code 148 effective January 1, 2014 and that continue during

the period of July 1, 2014 through December 31, 2014 shall remain in effect as long as the assessment imposed by Section 5A-2 that is in effect on December 31, 2017 remains in effect.

(g) Notwithstanding subsections (a) through (f) of this Section and notwithstanding the changes authorized under Section 5-5b.1, any updates to the system shall not result in any diminishment of the overall effective rates of reimbursement as of the implementation date of the new system (July 1, 2014). These updates shall not preclude variations in any individual component of the system or hospital rate variations. Nothing in this Section shall prohibit the Department from increasing the rates of reimbursement or developing payments to ensure access to hospital services. Nothing in this Section shall be construed to guarantee a minimum amount of spending in the aggregate or per hospital as spending may be impacted by factors, including, but not limited to, the number of individuals in the medical assistance program and the severity of illness of the individuals.

(h) The Department shall have the authority to modify by rulemaking any changes to the rates or methodologies in this Section as required by the federal government to obtain federal financial participation for expenditures made under this Section.

(i) Except for subsections (g) and (h) of this Section, the Department shall, pursuant to subsection (c) of Section

5-40 of the Illinois Administrative Procedure Act, provide for presentation at the June 2014 hearing of the Joint Committee on Administrative Rules (JCAR) additional written notice to JCAR of the following rules in order to commence the second notice period for the following rules: rules published in the Illinois Register, rule dated February 21, 2014 at 38 Ill. Reg. 4559 (Medical Payment), 4628 (Specialized Health Care Delivery Systems), 4640 (Hospital Services), 4932 (Diagnostic Related Grouping (DRG) Prospective Payment System (PPS)), and 4977 (Hospital Reimbursement Changes), and published in the Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499 (Specialized Health Care Delivery Systems) and 6505 (Hospital Services).

(j) Out-of-state hospitals. Beginning July 1, 2018, for purposes of determining for State fiscal years 2019 and 2020 and subsequent fiscal years the hospitals eligible for the payments authorized under subsections (a) and (b) of this Section, the Department shall include out-of-state hospitals that are designated a Level I pediatric trauma center or a Level I trauma center by the Department of Public Health as of December 1, 2017.

(k) The Department shall notify each hospital and managed care organization, in writing, of the impact of the updates under this Section at least 30 calendar days prior to their effective date.

(Source: P.A. 101-81, eff. 7-12-19; 101-650, eff. 7-7-20;

101-655, eff. 3-12-21; 102-682, eff. 12-10-21; 102-1037, eff. 6-2-22; revised 8-22-22.)

(305 ILCS 5/Art. XV heading)

ARTICLE XV.

COUNTY PROVIDER TRUST FUND

Section 548. The Rebuild Illinois Mental Health Workforce Act is amended by changing Section 20-10 as follows:

(305 ILCS 66/20-10)

Sec. 20-10. Medicaid funding for community mental health services. Medicaid funding for the specific community mental health services listed in this Act shall be adjusted and paid as set forth in this Act. Such payments shall be paid in addition to the base Medicaid reimbursement rate and add-on payment rates per service unit.

(a) The payment adjustments shall begin on July 1, 2022 for State Fiscal Year 2023 and shall continue for every State fiscal year thereafter.

(1) Individual Therapy Medicaid Payment rate for services provided under the H0004 Code:

(A) The Medicaid total payment rate for individual therapy provided by a qualified mental health professional shall be increased by no less than $9 per service unit.

(B) The Medicaid total payment rate for individual therapy provided by a mental health professional shall be increased by no less than ~~then~~ $9 per service unit.

(2) Community Support - Individual Medicaid Payment rate for services provided under the H2015 Code: All community support - individual services shall be increased by no less than $15 per service unit.

(3) Case Management Medicaid Add-on Payment for services provided under the T1016 code: All case management services rates shall be increased by no less than $15 per service unit.

(4) Assertive Community Treatment Medicaid Add-on Payment for services provided under the H0039 code: The Medicaid total payment rate for assertive community treatment services shall increase by no less than $8 per service unit.

(5) Medicaid user-based directed payments.

(A) For each State fiscal year, a monthly directed payment shall be paid to a community mental health provider of community support team services based on the number of Medicaid users of community support team services documented by Medicaid fee-for-service and managed care encounter claims delivered by that provider in the base year. The Department of Healthcare and Family Services shall make the monthly directed payment to each provider entitled to directed

payments under this Act by no later than the last day of each month throughout each State fiscal year.

(i) The monthly directed payment for a community support team provider shall be calculated as follows: The sum total number of individual Medicaid users of community support team services delivered by that provider throughout the base year, multiplied by $4,200 per Medicaid user, divided into 12 equal monthly payments for the State fiscal year.

(ii) As used in this subparagraph, "user" means an individual who received at least 200 units of community support team services (H2016) during the base year.

(B) For each State fiscal year, a monthly directed payment shall be paid to each community mental health provider of assertive community treatment services based on the number of Medicaid users of assertive community treatment services documented by Medicaid fee-for-service and managed care encounter claims delivered by the provider in the base year.

(i) The monthly direct payment for an assertive community treatment provider shall be calculated as follows: The sum total number of Medicaid users of assertive community treatment services provided by that provider throughout the

base year, multiplied by $6,000 per Medicaid user, divided into 12 equal monthly payments for that State fiscal year.

(ii) As used in this subparagraph, "user" means an individual that received at least 300 units of assertive community treatment services during the base year.

(C) The base year for directed payments under this Section shall be calendar year 2019 for State Fiscal Year 2023 and State Fiscal Year 2024. For the State fiscal year beginning on July 1, 2024, and for every State fiscal year thereafter, the base year shall be the calendar year that ended 18 months prior to the start of the State fiscal year in which payments are made.

(b) Subject to federal approval, a one-time directed payment must be made in calendar year 2023 for community mental health services provided by community mental health providers. The one-time directed payment shall be for an amount appropriated for these purposes. The one-time directed payment shall be for services for Integrated Assessment and Treatment Planning and other intensive services, including, but not limited to, services for Mobile Crisis Response, crisis intervention, and medication monitoring. The amounts and services used for designing and distributing these one-time directed payments shall not be construed to require

any future rate or funding increases for the same or other mental health services.

(Source: P.A. 102-699, eff. 4-19-22; 102-1118, eff. 1-18-23; revised 1-23-23.)

Section 550. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4)

Sec. 4. Persons required to report; privileged communications; transmitting false report.

(a) The following persons are required to immediately report to the Department when they have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused child or a neglected child:

(1) Medical personnel, including any: physician licensed to practice medicine in any of its branches (medical doctor or doctor of osteopathy); resident; intern; medical administrator or personnel engaged in the examination, care, and treatment of persons; psychiatrist; surgeon; dentist; dental hygienist; chiropractic physician; podiatric physician; physician assistant; emergency medical technician; physical therapist; physical therapy assistant; occupational therapist; occupational therapy assistant; acupuncturist; registered nurse;

licensed practical nurse; advanced practice registered nurse; genetic counselor; respiratory care practitioner; home health aide; or certified nursing assistant.

(2) Social services and mental health personnel, including any: licensed professional counselor; licensed clinical professional counselor; licensed social worker; licensed clinical social worker; licensed psychologist or assistant working under the direct supervision of a psychologist; associate licensed marriage and family therapist; licensed marriage and family therapist; field personnel of the Departments of Healthcare and Family Services, Public Health, Human Services, Human Rights, or Children and Family Services; supervisor or administrator of the General Assistance program established under Article VI of the Illinois Public Aid Code; social services administrator; or substance abuse treatment personnel.

(3) Crisis intervention personnel, including any: crisis line or hotline personnel; or domestic violence program personnel.

(4) Education personnel, including any: school personnel (including administrators and certified and non-certified school employees); personnel of institutions of higher education; educational advocate assigned to a child in accordance with the School Code; member of a school board or the Chicago Board of Education or the

governing body of a private school (but only to the extent required under subsection (d)); or truant officer.

(5) Recreation or athletic program or facility personnel; or an athletic trainer.

(6) Child care personnel, including any: early intervention provider as defined in the Early Intervention Services System Act; director or staff assistant of a nursery school or a child day care center; or foster parent, homemaker, or child care worker.

(7) Law enforcement personnel, including any: law enforcement officer; field personnel of the Department of Juvenile Justice; field personnel of the Department of Corrections; probation officer; or animal control officer or field investigator of the Department of Agriculture's Bureau of Animal Health and Welfare.

(8) Any funeral home director; funeral home director and embalmer; funeral home employee; coroner; or medical examiner.

(9) Any member of the clergy.

(10) Any physician, physician assistant, registered nurse, licensed practical nurse, medical technician, certified nursing assistant, licensed social worker, licensed clinical social worker, or licensed professional counselor of any office, clinic, licensed behavior analyst, licensed assistant behavior analyst, or any other physical location that provides abortions, abortion

referrals, or contraceptives.

(b) When 2 or more persons who work within the same workplace and are required to report under this Act share a reasonable cause to believe that a child may be an abused or neglected child, one of those reporters may be designated to make a single report. The report shall include the names and contact information for the other mandated reporters sharing the reasonable cause to believe that a child may be an abused or neglected child. The designated reporter must provide written confirmation of the report to those mandated reporters within 48 hours. If confirmation is not provided, those mandated reporters are individually responsible for immediately ensuring a report is made. Nothing in this Section precludes or may be used to preclude any person from reporting child abuse or child neglect.

(c)(1) As used in this Section, "a child known to them in their professional or official capacities" means:

(A) the mandated reporter comes into contact with the child in the course of the reporter's employment or practice of a profession, or through a regularly scheduled program, activity, or service;

(B) the mandated reporter is affiliated with an agency, institution, organization, school, school district, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the

child; or

(C) a person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse or child neglect, and the disclosure happens while the mandated reporter is engaged in his or her employment or practice of a profession, or in a regularly scheduled program, activity, or service.

(2) Nothing in this Section requires a child to come before the mandated reporter in order for the reporter to make a report of suspected child abuse or child neglect.

(d) If an allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child as defined in Section 3 of this Act, the member shall direct or cause the school board to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse. For purposes of this paragraph, a school board member is granted the authority in his or her individual capacity to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse.

Notwithstanding any other provision of this Act, if an employee of a school district has made a report or caused a

report to be made to the Department under this Act involving the conduct of a current or former employee of the school district and a request is made by another school district for the provision of information concerning the job performance or qualifications of the current or former employee because he or she is an applicant for employment with the requesting school district, the general superintendent of the school district to which the request is being made must disclose to the requesting school district the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department, as required under this Act. Only the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department may be disclosed by the general superintendent of the school district to which the request for information concerning the applicant is made, and this fact may be disclosed only in cases where the employee and the general superintendent have not been informed by the Department that the allegations were unfounded. An employee of a school district who is or has been the subject of a report made pursuant to this Act during his or her employment with the school district must be informed by that school district that if he or she applies for employment with another school district, the general superintendent of the former school district, upon the request of the school district to which the employee applies, shall notify that

requesting school district that the employee is or was the subject of such a report.

(e) Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

(f) In addition to the persons required to report suspected cases of child abuse or child neglect under this Section, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

(g) The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for

failure to report as required by this Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.

The reporting requirements of this Act shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

(h) Any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives shall provide to all office personnel copies of written information and training materials about abuse and neglect and the requirements of this Act that are provided to employees of the office, clinic, or physical location who are required to make reports to the Department under this Act, and instruct such office personnel to bring to the attention of an employee of the office, clinic, or physical location who is required to make reports to the Department under this Act any reasonable suspicion that a child known to him or her in his or her

professional or official capacity may be an abused child or a neglected child.

(i) Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. On and after January 1, 2019, the statement shall also include information about available mandated reporter training provided by the Department. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

(j) Persons required to report child abuse or child neglect as provided under this Section must complete an initial mandated reporter training, including a section on implicit bias, within 3 months of their date of engagement in a professional or official capacity as a mandated reporter, or within the time frame of any other applicable State law that governs training requirements for a specific profession, and at least every 3 years thereafter. The initial requirement only applies to the first time they engage in their professional or official capacity. In lieu of training every 3 years, medical personnel, as listed in paragraph (1) of subsection (a), must meet the requirements described in

subsection (k).

The mandated reporter trainings shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) indicators for recognizing child abuse and child neglect, as defined under this Act; (ii) the process for reporting suspected child abuse and child neglect in Illinois as required by this Act and the required documentation; (iii) responding to a child in a trauma-informed manner; and (iv) understanding the response of child protective services and the role of the reporter after a call has been made. Child-serving organizations are encouraged to provide in-person annual trainings.

The implicit bias section shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) implicit bias and (ii) racial and ethnic sensitivity. As used in this subsection, "implicit bias" means the attitudes or internalized stereotypes that affect people's perceptions, actions, and decisions in an unconscious manner and that exist and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics. The implicit bias section shall provide tools to adjust automatic patterns of thinking and ultimately eliminate discriminatory behaviors. During these trainings mandated reporters shall complete the following: (1) a pretest to assess baseline implicit bias levels; (2) an implicit bias training task; and

(3) a posttest to reevaluate bias levels after training. The implicit bias curriculum for mandated reporters shall be developed within one year after January 1, 2022 (the effective date of Public Act 102-604) ~~this amendatory Act of the 102nd General Assembly~~ and shall be created in consultation with organizations demonstrating expertise and or experience in the areas of implicit bias, youth and adolescent developmental issues, prevention of child abuse, exploitation, and neglect, culturally diverse family systems, and the child welfare system.

The mandated reporter training, including a section on implicit bias, shall be provided through the Department, through an entity authorized to provide continuing education for professionals licensed through the Department of Financial and Professional Regulation, the State Board of Education, the Illinois Law Enforcement Training Standards Board, or the Illinois ~~Department of~~ State Police, or through an organization approved by the Department to provide mandated reporter training, including a section on implicit bias. The Department must make available a free web-based training for reporters.

Each mandated reporter shall report to his or her employer and, when applicable, to his or her licensing or certification board that he or she received the mandated reporter training. The mandated reporter shall maintain records of completion.

Beginning January 1, 2021, if a mandated reporter receives

licensure from the Department of Financial and Professional Regulation or the State Board of Education, and his or her profession has continuing education requirements, the training mandated under this Section shall count toward meeting the licensee's required continuing education hours.

(k)(1) Medical personnel, as listed in paragraph (1) of subsection (a), who work with children in their professional or official capacity, must complete mandated reporter training at least every 6 years. Such medical personnel, if licensed, must attest at each time of licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made.

(2) In lieu of repeated training, medical personnel, as listed in paragraph (1) of subsection (a), who do not work with children in their professional or official capacity, may instead attest each time at licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made. Nothing in this paragraph precludes

medical personnel from completing mandated reporter training and receiving continuing education credits for that training.

(l) The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

(m) Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012. A violation of this provision is a Class 4 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

(n) A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer

alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

(o) A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.

(p) Nothing in this Act prohibits a mandated reporter who reasonably believes that an animal is being abused or neglected in violation of the Humane Care for Animals Act from reporting animal abuse or neglect to the Department of Agriculture's Bureau of Animal Health and Welfare.

(q) A home rule unit may not regulate the reporting of child abuse or neglect in a manner inconsistent with the provisions of this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(r) For purposes of this Section "child abuse or neglect" includes abuse or neglect of an adult resident as defined in this Act.

(Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22; 102-861, eff. 1-1-23; 102-953, eff. 5-27-22; revised 2-5-23.)

Section 555. The Service Member Employment and

Reemployment Rights Act is amended by changing Section 1-10 as follows:

(330 ILCS 61/1-10)

Sec. 1-10. Definitions. As used in this Act:

"Accrue" means to accumulate in regular or increasing amounts over time subject to customary allocation of cost.

"Active duty" means any full-time military service regardless of length or voluntariness including, but not limited to, annual training, full-time National Guard duty, and State active duty. "Active duty" does not include any form of inactive duty service such as drill duty or muster duty. "Active duty", unless provided otherwise, includes active duty without pay.

"Active service" means all forms of active and inactive duty regardless of voluntariness including, but not limited to, annual training, active duty for training, initial active duty training, overseas training duty, full-time National Guard duty, active duty other than training, State active duty, mobilizations, and muster duty. "Active service", unless provided otherwise, includes active service without pay. "Active service" includes:

(1) Reserve component voluntary active service means service under one of the following authorities:

(A) any duty under 32 U.S.C. 502(f)(1)(B);

(B) active guard reserve duty, operational

support, or additional duty under 10 U.S.C. 12301(d) or 32 U.S.C. 502(f)(1)(B);

(C) funeral honors under 10 U.S.C. 12503 or 32 U.S.C. 115;

(D) duty at the National Guard Bureau under 10 U.S.C. 12402;

(E) unsatisfactory participation under 10 U.S.C. 10148 or 10 U.S.C. 12303;

(F) discipline under 10 U.S.C. 802(d);

(G) extended active duty under 10 U.S.C. 12311; and

(H) reserve program administrator under 10 U.S.C. 10211.

(2) Reserve component involuntary active service includes, but is not limited to, service under one of the following authorities:

(A) annual training or drill requirements under 10 U.S.C. 10147, 10 U.S.C. 12301(b)~~,~~ or 32 U.S.C. 502(a)~~;~~.

(B) additional training duty or other duty under 32 U.S.C. 502(f)(1)(A);

(C) pre-planned or pre-programmed combatant commander support under 10 U.S.C. 12304b;

(D) mobilization under 10 U.S.C. 12301(a) or 10 U.S.C. 12302;

(E) presidential reserve call-up under 10 U.S.C.

12304;

(F) emergencies and natural disasters under 10 U.S.C. 12304a or 14 U.S.C. 712;

(G) muster duty under 10 U.S.C. 12319;

(H) retiree recall under 10 U.S.C. 688;

(I) captive status under 10 U.S.C. 12301(g);

(J) insurrection under 10 U.S.C. 331, 10 U.S.C. 332, or 10 U.S.C. 12406;

(K) pending line of duty determination for response to sexual assault under 10 U.S.C. 12323; and

(L) initial active duty for training under 10 U.S.C. 671.

Reserve component active service not listed in paragraph (1) or (2) shall be considered involuntary active service under paragraph (2).

"Active service without pay" means active service performed under any authority in which base pay is not received regardless of other allowances.

"Annual training" means any active duty performed under Section 10147 or 12301(b) of Title 10 of the United States Code or under Section 502(a) of Title 32 of the United States Code.

"Base pay" means the main component of military pay, whether active or inactive, based on rank and time in service. It does not include the addition of conditional funds for specific purposes such as allowances, incentive and special pay. Base pay, also known as basic pay, can be determined by

referencing the appropriate military pay chart covering the time period in question located on the federal Defense Finance and Accounting Services website or as reflected on a federal Military Leave and Earnings Statement.

"Benefits" includes, but is not limited to, the terms, conditions, or privileges of employment, including any advantage, profit, privilege, gain, status, account, or interest, including wages or salary for work performed, that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

"Differential compensation" means pay due when the employee's daily rate of compensation for military service is less than his or her daily rate of compensation as a public employee.

"Employee" means anyone employed by an employer. "Employee" includes any person who is a citizen, national, or permanent resident of the United States employed in a workplace that the State has legal authority to regulate business and employment. "Employee" does not include an independent contractor.

"Employer" means any person, institution, organization, or

other entity that pays salary or wages for work performed or that has control over employment opportunities, including:

(1) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

(2) an employer of a public employee;

(3) any successor in interest to a person, institution, organization, or other entity referred to under this definition; and

(4) a person, institution, organization, or other entity that has been denied initial employment in violation of Section 5-15.

"Inactive duty" means inactive duty training, including drills, consisting of regularly scheduled unit training assemblies, additional training assemblies, periods of appropriate duty or equivalent training, and any special additional duties authorized for reserve component personnel by appropriate military authority. "Inactive duty" does not include active duty.

"Military leave" means a furlough or leave of absence while performing active service. It cannot be substituted for accrued vacation, annual, or similar leave with pay except at the sole discretion of the service member employee. It is not a benefit of employment that is requested but a legal requirement upon receiving notice of pending military service.

"Military service" means:

(1) Service in the Armed Forces of the United States, the National Guard of any state or territory regardless of status, and the State Guard as defined in the State Guard Act. "Military service", whether active or reserve, includes service under the authority of U.S.C. Titles 10, 14, or 32, or State active duty.

(2) Service in a federally recognized auxiliary of the United States Armed Forces when performing official duties in support of military or civilian authorities as a result of an emergency.

(3) A period for which an employee is absent from a position of employment for the purpose of medical or dental treatment for a condition, illness, or injury sustained or aggravated during a period of active service in which treatment is paid by the United States Department of Defense Military Health System.

"Public employee" means any person classified as a full-time employee of the State of Illinois, a unit of local government, a public institution of higher education as defined in Section 1 of the Board of Higher Education Act, or a school district, other than an independent contractor.

"Reserve component" means the reserve components of Illinois and the United States Armed Forces regardless of status.

"Service member" means any person who is a member of a military service.

"State active duty" means full-time State-funded military duty under the command and control of the Governor and subject to the Military Code of Illinois.

"Unit of local government" means any city, village, town, county, or special district.

(Source: P.A. 102-1030, eff. 5-27-22; revised 8-22-22.)

Section 560. The Community Mental Health Act is amended by changing Section 5 as follows:

(405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

Sec. 5. (a) When the governing body of a governmental unit passes a resolution as provided in Section 4 asking that an annual tax may be levied for the purpose of providing such mental health facilities and services, including facilities and services for the person with a developmental disability or a substance use disorder, in the community and so instructs the clerk of the governmental unit such clerk shall certify the proposition to the proper election officials for submission at a regular election in accordance with the general election law. The proposition shall be in the following form:

Shall..... (governmental unit) levy an annual tax of (not more than .15%) for the purpose of providing YES

community mental health facilities and services including facilities and services for persons ~~the person~~ with a developmental disability or a substance use disorder? NO

(a-5) If the governmental unit is also subject to the Property Tax Extension Limitation Law, then the proposition shall also comply with the Property Tax Extension Limitation Law. Notwithstanding any provision of this subsection, any referendum imposing an annual tax on or after January 1, 1994 and prior to May 13, 2022 (the effective date of Public Act 102-839) ~~this amendatory Act of the 102nd General Assembly~~ that complies with subsection (a) is hereby validated.

(b) If a majority of all the votes cast upon the proposition are for the levy of such tax, the governing body of such governmental unit shall thereafter annually levy a tax not to exceed the rate set forth in Section 4. Thereafter, the governing body shall in the annual appropriation bill appropriate from such funds such sum or sums of money as may be deemed necessary, based upon the community mental health board's budget, the board's annual mental health report, and the local mental health plan to defray necessary expenses and liabilities in providing for such community mental health facilities and services.

(c) If the governing body of a governmental unit levies a tax under Section 4 of this Act and the rate specified in the

proposition under subsection (a) of this Section is less than 0.15%, then the governing body of the governmental unit may, upon referendum approval, increase that rate to not more than 0.15%. The governing body shall instruct the clerk of the governmental unit to certify the proposition to the proper election officials for submission at a regular election in accordance with the general election law. The proposition shall be in the following form:

"Shall the tax imposed by (governmental unit) for the purpose of providing community mental health facilities and services, including facilities and services for persons with a developmental disability or substance use disorder be increased to (not more than 0.15%)?"

If a majority of all the votes cast upon the proposition are for the increase of the tax, then the governing body of the governmental unit may thereafter annually levy a tax not to exceed the rate set forth in the referendum question.

(Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22; revised 8-25-22.)

Section 565. The Children's Mental Health Act is amended by changing Section 5 as follows:

(405 ILCS 49/5)

Sec. 5. Children's Mental Health Partnership; Children's Mental Health Plan.

(a) The Children's Mental Health Partnership (hereafter referred to as "the Partnership") created under Public Act 93-495 and continued under Public Act 102-899 ~~this amendatory Act of the 102nd General Assembly~~ shall advise State agencies on designing and implementing short-term and long-term strategies to provide comprehensive and coordinated services for children from birth to age 25 and their families with the goal of addressing children's mental health needs across a full continuum of care, including social determinants of health, prevention, early identification, and treatment. The recommended strategies shall build upon the recommendations in the Children's Mental Health Plan of 2022 and may include, but are not limited to, recommendations regarding the following:

(1) Increasing public awareness on issues connected to children's mental health and wellness to decrease stigma, promote acceptance, and strengthen the ability of children, families, and communities to access supports.

(2) Coordination of programs, services, and policies across child-serving State agencies to best monitor and assess spending, as well as foster innovation of adaptive or new practices.

(3) Funding and resources for children's mental health prevention, early identification, and treatment across child-serving State agencies.

(4) Facilitation of research on best practices and model programs and dissemination of this information to

State policymakers, practitioners, and the general public.

(5) Monitoring programs, services, and policies addressing children's mental health and wellness.

(6) Growing, retaining, diversifying, and supporting the child-serving workforce, with special emphasis on professional development around child and family mental health and wellness services.

(7) Supporting the design, implementation, and evaluation of a quality-driven children's mental health system of care across all child services that prevents mental health concerns and mitigates trauma.

(8) Improving the system to more effectively meet the emergency and residential placement needs for all children with severe mental and behavioral challenges.

(b) The Partnership shall have the responsibility of developing and updating the Children's Mental Health Plan and advising the relevant State agencies on implementation of the Plan. The Children's Mental Health Partnership shall be comprised of the following members:

(1) The Governor or his or her designee.

(2) The Attorney General or his or her designee.

(3) The Secretary of the Department of Human Services or his or her designee.

(4) The State Superintendent of Education or his or her designee.

(5) The Director of the Department of Children and

Family Services or his or her designee.

(6) The Director of the Department of Healthcare and Family Services or his or her designee.

(7) The Director of the Department of Public Health or his or her designee.

(8) The Director of the Department of Juvenile Justice or his or her designee.

(9) The Executive Director of the Governor's Office of Early Childhood Development or his or her designee.

(10) The Director of the Criminal Justice Information Authority or his or her designee.

(11) One member of the General Assembly appointed by the Speaker of the House.

(12) One member of the General Assembly appointed by the President of the Senate.

(13) One member of the General Assembly appointed by the Minority Leader of the Senate.

(14) One member of the General Assembly appointed by the Minority Leader of the House.

(15) Up to 25 representatives from the public reflecting a diversity of age, gender identity, race, ethnicity, socioeconomic status, and geographic location, to be appointed by the Governor. Those public members appointed under this paragraph must include, but are not limited to:

(A) a family member or individual with lived

experience in the children's mental health system;

(B) a child advocate;

(C) a community mental health expert, practitioner, or provider;

(D) a representative of a statewide association representing a majority of hospitals in the State;

(E) an early childhood expert or practitioner;

(F) a representative from the K-12 school system;

(G) a representative from the healthcare sector;

(H) a substance use prevention expert or practitioner, or a representative of a statewide association representing community-based mental health substance use disorder treatment providers in the State;

(I) a violence prevention expert or practitioner;

(J) a representative from the juvenile justice system;

(K) a school social worker; and

(L) a representative of a statewide organization representing pediatricians.

(16) Two co-chairs appointed by the Governor, one being a representative from the public and one being a representative from the State.

The members appointed by the Governor shall be appointed for 4 years with one opportunity for reappointment, except as otherwise provided for in this subsection. Members who were

appointed by the Governor and are serving on January 1, 2023 (the effective date of Public Act 102-899) ~~this amendatory Act of the 102nd General Assembly~~ shall maintain their appointment until the term of their appointment has expired. For new appointments made pursuant to Public Act 102-899 ~~this amendatory Act of the 102nd General Assembly~~, members shall be appointed for one-year, 2-year ~~two year~~, or 4-year ~~four year~~ terms, as determined by the Governor, with no more than 9 of the Governor's new or existing appointees serving the same term. Those new appointments serving a one-year or 2-year term may be appointed to 2 additional 4-year terms. If a vacancy occurs in the Partnership membership, the vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

The Partnership shall be convened no later than January 31, 2023 to discuss the changes in Public Act 102-899 ~~this amendatory Act of the 102nd General Assembly~~.

The members of the Partnership shall serve without compensation but may be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties as members of the Partnership from funds appropriated for that purpose.

The Partnership may convene and appoint special committees or study groups to operate under the direction of the Partnership. Persons appointed to such special committees or study groups shall only receive reimbursement for reasonable

expenses.

(b-5) The Partnership shall include an adjunct council comprised of no more than 6 youth aged 14 to 25 and 4 representatives of 4 different community-based ~~community-based~~ organizations that focus on youth mental health. Of the community-based organizations that focus on youth mental health, one of the community-based organizations shall be led by an LGBTQ-identified person, one of the community-based organizations shall be led by a person of color, and one of the community-based organizations shall be led by a woman. Of the representatives appointed to the council from the community-based organizations, at least one representative shall be LGBTQ-identified, at least one representative shall be a person of color, and at least one representative shall be a woman. The council members shall be appointed by the Chair of the Partnership and shall reflect the racial, gender identity, sexual orientation, ability, socioeconomic, ethnic, and geographic diversity of the State, including rural, suburban, and urban appointees. The council shall make recommendations to the Partnership regarding youth mental health, including, but not limited to, identifying barriers to youth feeling supported by and empowered by the system of mental health and treatment providers, barriers perceived by youth in accessing mental health services, gaps in the mental health system, available resources in schools, including youth's perceptions and experiences with outreach personnel, agency websites, and

informational materials, methods to destigmatize mental health services, and how to improve State policy concerning student mental health. The mental health system may include services for substance use disorders and addiction. The council shall meet at least 4 times annually.

(c) (Blank).

(d) The Illinois Children's Mental Health Partnership has the following powers and duties:

(1) Conducting research assessments to determine the needs and gaps of programs, services, and policies that touch children's mental health.

(2) Developing policy statements for interagency cooperation to cover all aspects of mental health delivery, including social determinants of health, prevention, early identification, and treatment.

(3) Recommending policies and providing ~~provide~~ information on effective programs for delivery of mental health services.

(4) Using funding from federal, State ~~state~~, or philanthropic partners, to fund pilot programs or research activities to resource innovative practices by organizational partners that will address children's mental health. However, the Partnership may not provide direct services.

(5) Submitting an annual report, on or before December 30 of each year, to the Governor and the General Assembly

on the progress of the Plan, any recommendations regarding State policies, laws, or rules necessary to fulfill the purposes of the Act, and any additional recommendations regarding mental or behavioral health that the Partnership deems necessary.

(6) Employing an Executive Director and setting the compensation of the Executive Director and other such employees and technical assistance as it deems necessary to carry out its duties under this Section.

The Partnership may designate a fiscal and administrative agent that can accept funds to carry out its duties as outlined in this Section.

The Department of Healthcare and Family Services shall provide technical and administrative support for the Partnership.

(e) The Partnership may accept monetary gifts or grants from the federal government or any agency thereof, from any charitable foundation or professional association, or from any reputable source for implementation of any program necessary or desirable to carry out the powers and duties as defined under this Section.

(f) On or before January 1, 2027, the Partnership shall submit recommendations to the Governor and General Assembly that includes recommended updates to the Act to reflect the current mental health landscape in this State.

(Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21;

102-899, eff. 1-1-23; 102-1034, eff. 1-1-23; revised 12-14-22.)

Section 570. The Mental Health Inpatient Facility Access Act is amended by changing Section 10 as follows:

(405 ILCS 140/10)

Sec. 10. Strategic plan on improving access to inpatient psychiatric beds. The Department of Human Services' Division of Mental Health shall develop a written, strategic plan that comprehensively addresses improving access to inpatient psychiatric beds in State-operated mental health facilities for individuals needing a hospital level of care. This plan shall address achieving the best use of State-operated psychiatric beds across Illinois, with strategies specifically to mitigate inefficient use of forensic beds and reduce lengths of stays for the forensic population. A comprehensive approach to this plan shall include training and education, ongoing assessment of individuals receiving inpatient services, reviewing and updating policies and procedures, and increasing community-based capacity for individuals in all State-operated forensic beds. The plan shall include:

(1) Annual training. Required annual training for all State-operated inpatient mental health facility clinicians shall include:

(A) Best practices for evaluating whether

individuals found not guilty by reason of insanity or unfit to stand trial meet the legal criteria for inpatient treatment.

(B) Best practices for determining appropriate treatment for individuals found not guilty by reason of insanity or unfit to stand trial.

(C) The requirements of treatment plan reports.

(D) The types of mental health services available following discharge, including, but not limited to: assertive community treatment, community support teams, supportive housing, medication management, psychotherapy, peer support services, specialized mental health rehabilitation facilities, and nursing homes.

(2) Regular and periodic assessment of mental health condition and progress. At least once every year following the admission of any individual under Section 5-2-4 of the Unified Code of Corrections or Section 104-17 of the Code of Criminal Procedure of 1963, the Director of the Division of Mental Health, or his or her designee, shall meet with the treatment team assigned to that individual to review whether:

(A) The individual continues to meet the standard for inpatient care.

(B) The individual may be appropriate for unsupervised on-grounds privileges, off-grounds

privileges (with or without escort by personnel of the Department of Human Services), home visits, and participation in work programs.

(C) The current treatment plan is reasonably expected to result in the improvement of the individual's clinical condition so that the individual no longer needs inpatient treatment, and, if not, what other treatments or placements are available to meet the individual's needs and safety.

(3) Updated policies and procedures.

(A) Revise facility policies and procedures to increase opportunities for home visits and work programs that assist with community reintegration. This shall include a review of unsupervised on-grounds privileges, off-grounds privileges (with or without escort by personnel of the Department of Human Services), home visits, and participation in work or educational programs to ensure that policies do not limit the ability to approve these activities. The plan shall also address the frequency for which individuals are assessed to be eligible for these activities.

(B) Ensure all individuals found unfit to stand trial or not guilty by reason of insanity~~,~~ who can be treated on an outpatient basis are recommended for outpatient services.

(C) Develop benchmarks to ensure that:

(i) every individual found unfit to stand trial or not guilty by reason of insanity who has been committed by a court to the Department for treatment shall be admitted to a Department facility within the time periods set forth in subsection (b) of Section 104-17 of the Code of Criminal Procedure of 1963 and subsection (a) of Section 5-2-4 of Unified Code of Corrections; and

(ii) no individual who needs inpatient psychiatric care remains in an emergency department of any hospital or in any other non-psychiatric unit longer than 48 hours.

(4) Building community treatment capacity.

(A) Specific steps to increase access to community-based mental health services that provide (i) outpatient alternatives to those being assessed for inpatient stays at State-operated inpatient mental health facilities and (ii) step-down services for those no longer meeting inpatient stay criteria, specifically the population of individuals found not guilty by reason of insanity. Such steps must specifically identify community-based treatment alternatives and how these services will be funded.

(B) Specific steps to ensure each State-operated inpatient mental health facility has sufficient

qualified psychiatrists, psychologists, social workers, peer support professionals, and other staff so that the Department may provide adequate and humane care and services for all patients. That plan shall include:

(i) an assessment of whether the salary and other benefits provided to professional staff are sufficient to attract and retain staff;

(ii) an assessment of the annual budget needed to attract and retain staff;

(iii) an assessment of any other impediments to attracting and retaining staff, and a mitigation plan for those impediments; and

(iv) a detailed plan for recruiting psychiatrists, psychologists, social workers, peer support professionals, and other mental health staff.

(5) Certification of mental health clinicians. The Division of Mental Health shall outline in the strategic plan a plan for training, implementing standard qualifications, and credentialing all psychiatrists, clinical social workers, clinical psychologists, and qualified examiners who conduct any evaluations, as employees, agents, or vendors of the Division concerning:

(A) findings of unfitness to stand trial and all other evaluations of individuals receiving treatment

in accordance with Section 104-10 of the Code of Criminal Procedure of 1963:

(B) individuals receiving treatment in accordance with Section 5-2-4 of the Unified Code of Corrections;

(C) whether individuals are subject to involuntary admission on an inpatient or outpatient basis in accordance with the Mental Health and Developmental Disabilities Code; and

(D) whether individuals are subject to court-ordered treatment in accordance with Section 2-107.1 of the Mental Health and Developmental Disabilities Code.

Such evaluations shall include any treatment reports required under the Code of Criminal Procedure of 1963 or the Mental Health and Developmental Disabilities Code.

(6) There shall be stakeholder input during the planning process from the Division of Mental Health's forensic workgroup.

(Source: P.A. 102-913, eff. 5-27-22; revised 8-19-22.)

Section 575. The Ensuring a More Qualified, Competent, and Diverse Community Behavioral Health Workforce Act is amended by changing Section 1-5 as follows:

(405 ILCS 145/1-5)

Sec. 1-5. Findings. The General Assembly finds that:

(1) The behavioral health workforce shortage, already at dire levels before 2020, has been exacerbated by the COVID-19 pandemic and is at a crisis point.

(2) Behavioral health workforce shortages, particularly licensed clinical staff, staff turnover in all positions, and workforce development are major concerns in the behavioral health field.

(3) By 2026, unfilled mental healthcare jobs in Illinois are expected to reach 8,353, according to Mercer's 2021 External Healthcare Labor Market Analysis.

(4) Community-based ~~Community based~~ mental health agencies often serve as training or supervision sites for interns and new entrants to the workforce seeking supervision hours to meet licensure requirements. These professionals are mandated to complete up to 3000 hours of supervised clinical experience. This places financial and time-resource hardships on these already lean organizations to provide the supervision.

(5) Many new mental health clinicians have to pay an estimated $10,000-$30,000 in fees for supervision according to Motivo. The amount is unaffordable for many students, particularly lower-income students, who graduate with tens of thousands of dollars in debt.

(6) Community mental health agencies frequently serve the most complex and chronically ill behavioral health clients, which can be a challenging population for new

entrants to the workforce. Many times, professionals leave for better-paid opportunities with lower acuity patients after completing their facility-sponsored supervision requirements.

(7) The lack of compensation for serving as a training or supervision site and staff turnover adversely impact the ability of agencies to better prepare the workforce and meet the needs of their behavioral health clients.

(8) Recognizing and providing financial support for this function will help community-based agencies provide more training or supervision opportunities and may also assist with recruiting and retaining professionals at these sites.

(9) Providing financial support for this role would help to address reductions in standard clinical productivity as a result of time spent supervising new workers, enabling better absorption of the costs of high turnover, or allowing for these settings to staff appropriately to support training or supervision.

(10) For individuals seeking their licensure, roadblocks to supervision include cost-prohibitive fees, difficulty finding supervisors, and an even greater supervisor shortage in rural areas.

(11) Beyond fulfilling the required hours to get licensed, clinical supervision has a profound impact on the trajectory of an individual's career and the lives of

their clients. Ultimately, effective clinical supervision helps ensure that clients are competently served.

(12) At a time when behavioral health providers report crisis level wait lists that force individuals seeking care to wait for months before they receive care, now more than ever, we need immediate solutions to help strengthen our State's behavioral health workforce.

(Source: P.A. 102-1053, eff. 6-10-22; revised 8-19-22.)

Section 580. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 1a, 1a-1, 2-1, 5-1, 5.4, 7, 7-1, and 9.5 as follows:

(410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

Sec. 1a. Definitions.

(a) In this Act:

"Advanced practice registered nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Ambulance provider" means an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.

"Approved pediatric health care facility" means a health care facility, other than a hospital, with a sexual assault treatment plan approved by the Department to provide medical forensic services to sexual assault survivors under the age of

18 who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Areawide sexual assault treatment plan" means a plan, developed by hospitals or by hospitals and approved pediatric health care facilities in a community or area to be served, which provides for medical forensic services to sexual assault survivors that shall be made available by each of the participating hospitals and approved pediatric health care facilities.

"Board-certified child abuse pediatrician" means a physician certified by the American Board of Pediatrics in child abuse pediatrics.

"Board-eligible child abuse pediatrician" means a physician who has completed the requirements set forth by the American Board of Pediatrics to take the examination for certification in child abuse pediatrics.

"Department" means the Department of Public Health.

"Emergency contraception" means medication as approved by the federal Food and Drug Administration (FDA) that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.

"Follow-up healthcare" means healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 180 days of the initial

visit for medical forensic services.

"Health care professional" means a physician, a physician assistant, a sexual assault forensic examiner, an advanced practice registered nurse, a registered professional nurse, a licensed practical nurse, or a sexual assault nurse examiner.

"Hospital" means a hospital licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, any outpatient center included in the hospital's sexual assault treatment plan where hospital employees provide medical forensic services, and an out-of-state hospital that has consented to the jurisdiction of the Department under Section 2.06.

"Illinois State Police Sexual Assault Evidence Collection Kit" means a prepackaged set of materials and forms to be used for the collection of evidence relating to sexual assault. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Collection Kit.

"Law enforcement agency having jurisdiction" means the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred.

"Licensed practical nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Medical forensic services" means health care delivered to patients within or under the care and supervision of personnel working in a designated emergency department of a hospital or

an approved pediatric health care facility. "Medical forensic services" includes, but is not limited to, taking a medical history, performing photo documentation, performing a physical and anogenital examination, assessing the patient for evidence collection, collecting evidence in accordance with a statewide sexual assault evidence collection program administered by the Illinois State Police using the Illinois State Police Sexual Assault Evidence Collection Kit, if appropriate, assessing the patient for drug-facilitated or alcohol-facilitated sexual assault, providing an evaluation of and care for sexually transmitted infection and human immunodeficiency virus (HIV), pregnancy risk evaluation and care, and discharge and follow-up healthcare planning.

"Pediatric health care facility" means a clinic or physician's office that provides medical services to patients under the age of 18.

"Pediatric sexual assault survivor" means a person under the age of 13 who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Photo documentation" means digital photographs or colposcope videos stored and backed up securely in the original file format.

"Physician" means a person licensed to practice medicine in all its branches.

"Physician assistant" has the meaning provided in Section

4 of the Physician Assistant Practice Act of 1987.

"Prepubescent sexual assault survivor" means a female who is under the age of 18 years and has not had a first menstrual cycle or a male who is under the age of 18 years and has not started to develop secondary sex characteristics who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Qualified medical provider" means a board-certified child abuse pediatrician, board-eligible child abuse pediatrician, a sexual assault forensic examiner, or a sexual assault nurse examiner who has access to photo documentation tools, and who participates in peer review.

"Registered Professional Nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Sexual assault" means:

(1) an act of sexual conduct; as used in this paragraph, "sexual conduct" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012; or

(2) any act of sexual penetration; as used in this paragraph, "sexual penetration" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012 and includes, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

"Sexual assault forensic examiner" means a physician or physician assistant who has completed training that meets or

is substantially similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault nurse examiner" means an advanced practice registered nurse or registered professional nurse who has completed a sexual assault nurse examiner training program that meets the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault services voucher" means a document generated by a hospital or approved pediatric health care facility at the time the sexual assault survivor receives outpatient medical forensic services that may be used to seek payment for any ambulance services, medical forensic services, laboratory services, pharmacy services, and follow-up healthcare provided as a result of the sexual assault.

"Sexual assault survivor" means a person who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Sexual assault transfer plan" means a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital, and an approved pediatric health care facility, if applicable, in order to receive medical forensic services.

"Sexual assault treatment plan" means a written plan that

describes the procedures and protocols for providing medical forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from a hospital or an approved pediatric health care facility.

"Transfer hospital" means a hospital with a sexual assault transfer plan approved by the Department.

"Transfer services" means the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital or an approved pediatric health care facility that provides medical forensic services to sexual assault survivors pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.

"Treatment hospital" means a hospital with a sexual assault treatment plan approved by the Department to provide medical forensic services to all sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Treatment hospital with approved pediatric transfer" means a hospital with a treatment plan approved by the Department to provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the last 7 days

or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

(b) This Section is effective on and after January 1, 2024.

(Source: P.A. 101-81, eff. 7-12-19; 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-538, eff. 8-20-21; 102-674, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1097, eff. 1-1-23; 102-1106, eff. 1-1-23; revised 12-19-22.)

(410 ILCS 70/1a-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 1a-1. Definitions.

(a) In this Act:

"Advanced practice registered nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Ambulance provider" means an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.

"Approved pediatric health care facility" means a health care facility, other than a hospital, with a sexual assault treatment plan approved by the Department to provide medical forensic services to sexual assault survivors under the age of 18 who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual

assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Approved federally qualified health center" means a facility as defined in Section 1905(l)(2)(B) of the federal Social Security Act with a sexual assault treatment plan approved by the Department to provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Areawide sexual assault treatment plan" means a plan, developed by hospitals or by hospitals, approved pediatric health care facilities, and approved federally qualified health centers in a community or area to be served, which provides for medical forensic services to sexual assault survivors that shall be made available by each of the participating hospitals and approved pediatric health care facilities.

"Board-certified child abuse pediatrician" means a physician certified by the American Board of Pediatrics in child abuse pediatrics.

"Board-eligible child abuse pediatrician" means a physician who has completed the requirements set forth by the American Board of Pediatrics to take the examination for certification in child abuse pediatrics.

"Department" means the Department of Public Health.

"Emergency contraception" means medication as approved by the federal Food and Drug Administration (FDA) that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.

"Federally qualified health center" means a facility as defined in Section 1905(l)(2)(B) of the federal Social Security Act that provides primary care or sexual health services.

"Follow-up healthcare" means healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 180 days of the initial visit for medical forensic services.

"Health care professional" means a physician, a physician assistant, a sexual assault forensic examiner, an advanced practice registered nurse, a registered professional nurse, a licensed practical nurse, or a sexual assault nurse examiner.

"Hospital" means a hospital licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, any outpatient center included in the hospital's sexual assault treatment plan where hospital employees provide medical forensic services, and an out-of-state hospital that has consented to the jurisdiction of the Department under Section 2.06-1.

"Illinois State Police Sexual Assault Evidence Collection Kit" means a prepackaged set of materials and forms to be used

for the collection of evidence relating to sexual assault. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Collection Kit.

"Law enforcement agency having jurisdiction" means the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred.

"Licensed practical nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Medical forensic services" means health care delivered to patients within or under the care and supervision of personnel working in a designated emergency department of a hospital, approved pediatric health care facility, or an approved federally qualified health center ~~centers~~.

"Medical forensic services" includes, but is not limited to, taking a medical history, performing photo documentation, performing a physical and anogenital examination, assessing the patient for evidence collection, collecting evidence in accordance with a statewide sexual assault evidence collection program administered by the Illinois ~~Department of~~ State Police using the Illinois State Police Sexual Assault Evidence Collection Kit, if appropriate, assessing the patient for drug-facilitated or alcohol-facilitated sexual assault, providing an evaluation of and care for sexually transmitted infection and human immunodeficiency virus (HIV), pregnancy risk evaluation and care, and discharge and follow-up

healthcare planning.

"Pediatric health care facility" means a clinic or physician's office that provides medical services to patients under the age of 18.

"Pediatric sexual assault survivor" means a person under the age of 13 who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Photo documentation" means digital photographs or colposcope videos stored and backed up securely in the original file format.

"Physician" means a person licensed to practice medicine in all its branches.

"Physician assistant" has the meaning provided in Section 4 of the Physician Assistant Practice Act of 1987.

"Prepubescent sexual assault survivor" means a female who is under the age of 18 years and has not had a first menstrual cycle or a male who is under the age of 18 years and has not started to develop secondary sex characteristics who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Qualified medical provider" means a board-certified child abuse pediatrician, board-eligible child abuse pediatrician, a sexual assault forensic examiner, or a sexual assault nurse examiner who has access to photo documentation tools, and who participates in peer review.

"Registered Professional Nurse" has the meaning provided in Section 50-10 of the Nurse Practice Act.

"Sexual assault" means:

(1) an act of sexual conduct; as used in this paragraph, "sexual conduct" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012; or

(2) any act of sexual penetration; as used in this paragraph, "sexual penetration" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012 and includes, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

"Sexual assault forensic examiner" means a physician or physician assistant who has completed training that meets or is substantially similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault nurse examiner" means an advanced practice registered nurse or registered professional nurse who has completed a sexual assault nurse examiner training program that meets the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

"Sexual assault services voucher" means a document generated by a hospital or approved pediatric health care facility at the time the sexual assault survivor receives

outpatient medical forensic services that may be used to seek payment for any ambulance services, medical forensic services, laboratory services, pharmacy services, and follow-up healthcare provided as a result of the sexual assault.

"Sexual assault survivor" means a person who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault.

"Sexual assault transfer plan" means a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital, and an approved pediatric health care facility, if applicable, in order to receive medical forensic services.

"Sexual assault treatment plan" means a written plan that describes the procedures and protocols for providing medical forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from a hospital or an approved pediatric health care facility.

"Transfer hospital" means a hospital with a sexual assault transfer plan approved by the Department.

"Transfer services" means the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital or an approved pediatric health care facility that provides medical forensic services to sexual assault survivors

pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.

"Treatment hospital" means a hospital with a sexual assault treatment plan approved by the Department to provide medical forensic services to all sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

"Treatment hospital with approved pediatric transfer" means a hospital with a treatment plan approved by the Department to provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.

(b) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-1097, eff. 1-1-23; 102-1106, eff. 1-1-23; revised 12-19-22.)

(410 ILCS 70/2-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 2-1. Hospital, approved pediatric health care facility, and approved federally qualified health center

requirements for sexual assault plans.

(a) Every hospital required to be licensed by the Department pursuant to the Hospital Licensing Act, or operated under the University of Illinois Hospital Act that provides general medical and surgical hospital services shall provide either (i) transfer services to all sexual assault survivors, (ii) medical forensic services to all sexual assault survivors, or (iii) transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older, in accordance with rules adopted by the Department.

In addition, every such hospital, regardless of whether or not a request is made for reimbursement, shall submit to the Department a plan to provide either (i) transfer services to all sexual assault survivors, (ii) medical forensic services to all sexual assault survivors, or (iii) transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older within the time frame established by the Department. The Department shall approve such plan for either (i) transfer services to all sexual assault survivors, (ii) medical forensic services to all sexual assault survivors, or (iii) transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older, if it finds that the implementation of the proposed plan would provide (i) transfer services or (ii)

medical forensic services for sexual assault survivors in accordance with the requirements of this Act and provide sufficient protections from the risk of pregnancy to sexual assault survivors. Notwithstanding anything to the contrary in this paragraph, the Department may approve a sexual assault transfer plan for the provision of medical forensic services if:

(1) a treatment hospital with approved pediatric transfer has agreed, as part of an areawide treatment plan, to accept sexual assault survivors 13 years of age or older from the proposed transfer hospital, if the treatment hospital with approved pediatric transfer is geographically closer to the transfer hospital than a treatment hospital or another treatment hospital with approved pediatric transfer and such transfer is not unduly burdensome on the sexual assault survivor; and

(2) a treatment hospital has agreed, as a part of an areawide treatment plan, to accept sexual assault survivors under 13 years of age from the proposed transfer hospital and transfer to the treatment hospital would not unduly burden the sexual assault survivor.

The Department may not approve a sexual assault transfer plan unless a treatment hospital has agreed, as a part of an areawide treatment plan, to accept sexual assault survivors from the proposed transfer hospital and a transfer to the treatment hospital would not unduly burden the sexual assault

survivor.

In counties with a population of less than 1,000,000, the Department may not approve a sexual assault transfer plan for a hospital located within a 20-mile radius of a 4-year public university, not including community colleges, unless there is a treatment hospital with a sexual assault treatment plan approved by the Department within a 20-mile radius of the 4-year public university.

A transfer must be in accordance with federal and State laws and local ordinances.

A treatment hospital with approved pediatric transfer must submit an areawide treatment plan under Section 3-1 of this Act that includes a written agreement with a treatment hospital stating that the treatment hospital will provide medical forensic services to pediatric sexual assault survivors transferred from the treatment hospital with approved pediatric transfer. The areawide treatment plan may also include an approved pediatric health care facility.

A transfer hospital must submit an areawide treatment plan under Section 3-1 of this Act that includes a written agreement with a treatment hospital stating that the treatment hospital will provide medical forensic services to all sexual assault survivors transferred from the transfer hospital. The areawide treatment plan may also include an approved pediatric health care facility. Notwithstanding anything to the contrary in this paragraph, the areawide treatment plan may include a

written agreement with a treatment hospital with approved pediatric transfer that is geographically closer than other hospitals providing medical forensic services to sexual assault survivors 13 years of age or older stating that the treatment hospital with approved pediatric transfer will provide medical services to sexual assault survivors 13 years of age or older who are transferred from the transfer hospital. If the areawide treatment plan includes a written agreement with a treatment hospital with approved pediatric transfer, it must also include a written agreement with a treatment hospital stating that the treatment hospital will provide medical forensic services to sexual assault survivors under 13 years of age who are transferred from the transfer hospital.

Beginning January 1, 2019, each treatment hospital and treatment hospital with approved pediatric transfer shall ensure that emergency department attending physicians, physician assistants, advanced practice registered nurses, and registered professional nurses providing clinical services, who do not meet the definition of a qualified medical provider in Section 1a-1 of this Act, receive a minimum of 2 hours of sexual assault training by July 1, 2020 or until the treatment hospital or treatment hospital with approved pediatric transfer certifies to the Department, in a form and manner prescribed by the Department, that it employs or contracts with a qualified medical provider in accordance with

subsection (a-7) of Section 5-1, whichever occurs first.

After July 1, 2020 or once a treatment hospital or a treatment hospital with approved pediatric transfer certifies compliance with subsection (a-7) of Section 5-1, whichever occurs first, each treatment hospital and treatment hospital with approved pediatric transfer shall ensure that emergency department attending physicians, physician assistants, advanced practice registered nurses, and registered professional nurses providing clinical services, who do not meet the definition of a qualified medical provider in Section 1a-1 of this Act, receive a minimum of 2 hours of continuing education on responding to sexual assault survivors every 2 years. Protocols for training shall be included in the hospital's sexual assault treatment plan.

Sexual assault training provided under this subsection may be provided in person or online and shall include, but not be limited to:

(1) information provided on the provision of medical forensic services;

(2) information on the use of the Illinois Sexual Assault Evidence Collection Kit;

(3) information on sexual assault epidemiology, neurobiology of trauma, drug-facilitated sexual assault, child sexual abuse, and Illinois sexual assault-related laws; and

(4) information on the hospital's sexual

assault-related policies and procedures.

The online training made available by the Office of the Attorney General under subsection (b) of Section 10-1 may be used to comply with this subsection.

(a-5) A hospital must submit a plan to provide either (i) transfer services to all sexual assault survivors, (ii) medical forensic services to all sexual assault survivors, or (iii) transfer services to pediatric sexual assault survivors and medical forensic services to sexual assault survivors 13 years old or older as required in subsection (a) of this Section within 60 days of the Department's request. Failure to submit a plan as described in this subsection shall subject a hospital to the imposition of a fine by the Department. The Department may impose a fine of up to $500 per day until the hospital submits a plan as described in this subsection. No fine shall be taken or assessed until January 1, 2024 (12 months after the effective date of Public Act 102-1106) ~~this amendatory Act of the 102nd General Assembly~~.

(a-10) Upon receipt of a plan as described in subsection (a-5), the Department shall notify the hospital whether or not the plan is acceptable. If the Department determines that the plan is unacceptable, the hospital must submit a modified plan within 10 days of service of the notification. If the Department determines that the modified plan is unacceptable, or if the hospital fails to submit a modified plan within 10 days, the Department may impose a fine of up to $500 per day

until an acceptable plan has been submitted, as determined by the Department. No fine shall be taken or assessed until January 1, 2024 (12 months after the effective date of Public Act 102-1106) ~~this amendatory Act of the 102nd General Assembly~~.

(b) An approved pediatric health care facility may provide medical forensic services, in accordance with rules adopted by the Department, to all sexual assault survivors under the age of 18 who present for medical forensic services in relation to injuries or trauma resulting from a sexual assault. These services shall be provided by a qualified medical provider.

A pediatric health care facility must participate in or submit an areawide treatment plan under Section 3-1 of this Act that includes a treatment hospital. If a pediatric health care facility does not provide certain medical or surgical services that are provided by hospitals, the areawide sexual assault treatment plan must include a procedure for ensuring a sexual assault survivor in need of such medical or surgical services receives the services at the treatment hospital. The areawide treatment plan may also include a treatment hospital with approved pediatric transfer.

The Department shall review a proposed sexual assault treatment plan submitted by a pediatric health care facility within 60 days after receipt of the plan. If the Department finds that the proposed plan meets the minimum requirements set forth in Section 5-1 of this Act and that implementation of

the proposed plan would provide medical forensic services for sexual assault survivors under the age of 18, then the Department shall approve the plan. If the Department does not approve a plan, then the Department shall notify the pediatric health care facility that the proposed plan has not been approved. The pediatric health care facility shall have 30 days to submit a revised plan. The Department shall review the revised plan within 30 days after receipt of the plan and notify the pediatric health care facility whether the revised plan is approved or rejected. A pediatric health care facility may not provide medical forensic services to sexual assault survivors under the age of 18 who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days until the Department has approved a treatment plan.

If an approved pediatric health care facility is not open 24 hours a day, 7 days a week, it shall post signage at each public entrance to its facility that:

(1) is at least 14 inches by 14 inches in size;

(2) directs those seeking services as follows: "If closed, call 911 for services or go to the closest hospital emergency department, (insert name) located at (insert address).";

(3) lists the approved pediatric health care

facility's hours of operation;

(4) lists the street address of the building;

(5) has a black background with white bold capital lettering in a clear and easy to read font that is at least 72-point type, and with "call 911" in at least 125-point type;

(6) is posted clearly and conspicuously on or adjacent to the door at each entrance and, if building materials allow, is posted internally for viewing through glass; if posted externally, the sign shall be made of weather-resistant and theft-resistant materials, non-removable, and adhered permanently to the building; and

(7) has lighting that is part of the sign itself or is lit with a dedicated light that fully illuminates the sign.

(b-5) An approved federally qualified health center may provide medical forensic services, in accordance with rules adopted by the Department, to all sexual assault survivors 13 years old or older who present for medical forensic services in relation to injuries or trauma resulting from a sexual assault during the duration, and 90 days thereafter, of a proclamation issued by the Governor declaring a disaster, or a successive proclamation regarding the same disaster, in all 102 counties due to a public health emergency. These services must be available on-site during an approved federally

qualified health center's hours of operation and shall be provided by a qualified medical provider. If the treatment plan is terminated, the federally qualified health center must submit to the Department for approval, before providing medical forensic services, a new treatment plan and a list of qualified medical providers to ensure coverage for the days and hours of operation.

A federally qualified health center must employ a Sexual Assault Nurse Examiner Coordinator who is a qualified medical provider and a Medical Director who is a qualified medical provider.

A federally qualified health center must participate in or submit an areawide treatment plan under Section 3-1 of this Act that includes a treatment hospital. If a federally qualified health center does not provide certain medical or surgical services that are provided by hospitals, the areawide sexual assault treatment plan must include a procedure for ensuring a sexual assault survivor in need of such medical or surgical services receives the services at the treatment hospital. The areawide treatment plan may also include a treatment hospital with approved pediatric transfer or an approved pediatric health care facility. An approved federally qualified health center must report each instance that a sexual assault survivor is transferred to a treatment hospital, treatment hospital with approved pediatric transfer, or an approved pediatric health care facility to the

Department within 24 hours of the transfer, in a form and manner prescribed by the Department, including the reason for the transfer.

The Department shall review a proposed sexual assault treatment plan submitted by a federally qualified health center within 14 days after receipt of the plan. The Department shall approve the proposed sexual assault treatment plan if it finds that the proposed plan:

(1) meets the minimum requirements set forth in Section 5-1;

(2) would provide medical forensic services for sexual assault survivors 13 years old or older on-site during the approved federally qualified health center's hours of operation; and

(3) includes an emergency protocol for sexual assault survivors 13 years old or older to be transferred to a treatment hospital or treatment hospital with approved pediatric transfer to receive medical forensic services if medical forensic services are not available by a qualified medical provider during the approved federally qualified health center's hours of operation, as required.

The Department shall not approve sexual assault treatment plans for more than 6 federally qualified health centers, which must be located in geographically diverse areas of the State. If the Department does not approve a plan, then the Department shall notify the federally qualified health center

that the proposed plan has not been approved. The federally qualified health center shall have 14 days to submit a revised plan. The Department shall review the revised plan within 14 days after receipt of the plan and notify the federally qualified health center whether the revised plan is approved or rejected. A federally qualified health center may not (i) provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the previous 7 days or (ii) who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the previous 7 days until the Department has approved a treatment plan.

Each approved federally qualified health center shall ensure that any physician, physician assistant, advanced practice registered nurse, or registered professional nurse who (i) provides clinical services to sexual assault survivors and (ii) does not meet the definition of a qualified medical provider under Section 1a-1 receives (A) a minimum of 2 hours of sexual assault training within 6 months after June 16, 2022 (the effective date of Public Act 102-1097) ~~this amendatory Act of the 102nd General Assembly~~ or within 6 months after beginning employment, whichever is later, and (B) a minimum of 2 hours of continuing education on responding to sexual assault survivors every 2 years. Protocols for training shall be included in the approved federally qualified health

center's sexual assault treatment plan. Sexual assault training provided under this paragraph may be provided in person or online and shall include, but not be limited to:

(1) information provided on the provision of medical forensic services;

(2) information on the use of the Illinois Sexual Assault Evidence Collection Kit;

(3) information on sexual assault epidemiology, neurobiology of trauma, drug-facilitated sexual assault, child sexual abuse, and Illinois sexual assault-related laws; and

(4) information on the approved federally qualified health center's sexual assault-related policies and procedures.

The online training made available by the Office of the Attorney General under subsection (b) of Section 10-1 may be used to comply with the sexual assault training required under the preceding paragraph.

If an approved federally qualified health center is not open 24 hours a day, 7 days a week, it shall post signage at each public entrance to its facility that:

(1) is at least 14 inches by 14 inches in size;

(2) directs those seeking services as follows: "If closed, call 911 for services or go to the closest hospital emergency department, (insert name) located at (insert address).";

(3) lists the approved federally qualified health center's hours of operation;

(4) lists the street address of the building;

(5) has a black background with white bold capital lettering in a clear and easy to read font that is at least 72-point type, and with "call 911" in at least 125-point type;

(6) is posted clearly and conspicuously on or adjacent to the door at each entrance and, if building materials allow, is posted internally for viewing through glass; if posted externally, the sign shall be made of weather-resistant and theft-resistant materials, non-removable, and adhered permanently to the building;

(7) has lighting that is part of the sign itself or is lit with a dedicated light that fully illuminates the sign;

(8) directs those seeking services as follows: "Call the local rape crisis center for support."; and

(9) includes the name and hotline number, available 24 hours a day, 7 days a week, of the local rape crisis center.

A copy of the proposed sign must be submitted to the Department and approved as part of the approved federally qualified health center's sexual assault treatment plan.

(c) Each treatment hospital, treatment hospital with approved pediatric transfer, approved pediatric health care

facility, and approved federally qualified health center must enter into a memorandum of understanding with a rape crisis center for medical advocacy services, if these services are available to the treatment hospital, treatment hospital with approved pediatric transfer, approved pediatric health care facility, or approved federally qualified health center. With the consent of the sexual assault survivor, a rape crisis counselor shall remain in the exam room during the collection for forensic evidence.

An approved federally qualified health center that has a memorandum of understanding with a rape crisis center must notify the rape crisis center immediately if medical forensic services are not available during the approved federally qualified health center's hours of operation or if the approved federally qualified health center's treatment plan is terminated by the Department.

(d) Every treatment hospital, treatment hospital with approved pediatric transfer, approved pediatric health care facility, and approved federally qualified health center's sexual assault treatment plan shall include procedures for complying with mandatory reporting requirements pursuant to (1) the Abused and Neglected Child Reporting Act; (2) the Abused and Neglected Long Term Care Facility Residents Reporting Act; (3) the Adult Protective Services Act; and (iv) the Criminal Identification Act.

(e) Each treatment hospital, treatment hospital with

approved pediatric transfer, approved pediatric health care facility, and approved federally qualified health center shall submit to the Department every 6 months, in a manner prescribed by the Department, the following information:

(1) The total number of patients who presented with a complaint of sexual assault.

(2) The total number of Illinois Sexual Assault Evidence Collection Kits:

(A) offered to (i) all sexual assault survivors and (ii) pediatric sexual assault survivors pursuant to paragraph (1.5) of subsection (a-5) of Section 5-1;

(B) completed for (i) all sexual assault survivors and (ii) pediatric sexual assault survivors; and

(C) declined by (i) all sexual assault survivors and (ii) pediatric sexual assault survivors.

This information shall be made available on the Department's website.

(f) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-1097, eff. 6-16-22; 102-1106, eff. 1-1-23; revised 12-19-22.)

(410 ILCS 70/5-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 5-1. Minimum requirements for medical forensic services provided to sexual assault survivors by hospitals,

approved pediatric health care facilities, and approved federally qualified health centers.

(a) Every hospital, approved pediatric health care facility, and approved federally qualified health center providing medical forensic services to sexual assault survivors under this Act shall, as minimum requirements for such services, provide, with the consent of the sexual assault survivor, and as ordered by the attending physician, an advanced practice registered nurse, or a physician assistant, the services set forth in subsection (a-5).

Beginning January 1, 2023, a qualified medical provider must provide the services set forth in subsection (a-5).

(a-5) A treatment hospital, a treatment hospital with approved pediatric transfer, an approved pediatric health care facility, or an approved federally qualified health center shall provide the following services in accordance with subsection (a):

(1) Appropriate medical forensic services without delay, in a private, age-appropriate or developmentally-appropriate space, required to ensure the health, safety, and welfare of a sexual assault survivor and which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, in a proceeding under the Juvenile Court Act of 1987, or in an investigation under the Abused and Neglected Child Reporting Act.

Records of medical forensic services, including results of examinations and tests, the Illinois State Police Medical Forensic Documentation Forms, the Illinois State Police Patient Discharge Materials, and the Illinois State Police Patient Consent: Collect and Test Evidence or Collect and Hold Evidence Form, shall be maintained by the hospital or approved pediatric health care facility as part of the patient's electronic medical record.

Records of medical forensic services of sexual assault survivors under the age of 18 shall be retained by the hospital for a period of 60 years after the sexual assault survivor reaches the age of 18. Records of medical forensic services of sexual assault survivors 18 years of age or older shall be retained by the hospital for a period of 20 years after the date the record was created.

Records of medical forensic services may only be disseminated in accordance with Section 6.5-1 of this Act and other State and federal law.

(1.5) An offer to complete the Illinois Sexual Assault Evidence Collection Kit for any sexual assault survivor who presents within a minimum of the last 7 days of the assault or who has disclosed past sexual assault by a specific individual and was in the care of that individual within a minimum of the last 7 days.

(A) Appropriate oral and written information concerning evidence-based guidelines for the

appropriateness of evidence collection depending on the sexual development of the sexual assault survivor, the type of sexual assault, and the timing of the sexual assault shall be provided to the sexual assault survivor. Evidence collection is encouraged for prepubescent sexual assault survivors who present to a hospital or approved pediatric health care facility with a complaint of sexual assault within a minimum of 96 hours after the sexual assault.

Before January 1, 2023, the information required under this subparagraph shall be provided in person by the health care professional providing medical forensic services directly to the sexual assault survivor.

On and after January 1, 2023, the information required under this subparagraph shall be provided in person by the qualified medical provider providing medical forensic services directly to the sexual assault survivor.

The written information provided shall be the information created in accordance with Section 10-1 of this Act.

(B) Following the discussion regarding the evidence-based guidelines for evidence collection in accordance with subparagraph (A), evidence collection must be completed at the sexual assault survivor's

request. A sexual assault nurse examiner conducting an examination using the Illinois State Police Sexual Assault Evidence Collection Kit may do so without the presence or participation of a physician.

(2) Appropriate oral and written information concerning the possibility of infection, sexually transmitted infection, including an evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from sexual assault, and pregnancy resulting from sexual assault.

(3) Appropriate oral and written information concerning accepted medical procedures, laboratory tests, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault.

(3.5) After a medical evidentiary or physical examination, access to a shower at no cost, unless showering facilities are unavailable.

(4) An amount of medication, including HIV prophylaxis, for treatment at the hospital, approved pediatric health care facility, or approved federally qualified health center and after discharge as is deemed appropriate by the attending physician, an advanced practice registered nurse, or a physician assistant in accordance with the Centers for Disease Control and Prevention guidelines and consistent with the hospital's

or approved pediatric health care facility's current approved protocol for sexual assault survivors.

(5) Photo documentation of the sexual assault survivor's injuries, anatomy involved in the assault, or other visible evidence on the sexual assault survivor's body to supplement the medical forensic history and written documentation of physical findings and evidence beginning July 1, 2019. Photo documentation does not replace written documentation of the injury.

(6) Written and oral instructions indicating the need for follow-up examinations and laboratory tests after the sexual assault to determine the presence or absence of sexually transmitted infection.

(7) Referral by hospital, approved pediatric health care facility, or approved federally qualified health center personnel for appropriate counseling.

(8) Medical advocacy services provided by a rape crisis counselor whose communications are protected under Section 8-802.1 of the Code of Civil Procedure, if there is a memorandum of understanding between the hospital, approved pediatric health care facility, or approved federally qualified health center and a rape crisis center. With the consent of the sexual assault survivor, a rape crisis counselor shall remain in the exam room during the medical forensic examination.

(9) Written information regarding services provided by

a Children's Advocacy Center and rape crisis center, if applicable.

(10) A treatment hospital, a treatment hospital with approved pediatric transfer, an out-of-state hospital as defined in Section 5.4, an approved pediatric health care facility, or an approved federally qualified health center shall comply with the rules relating to the collection and tracking of sexual assault evidence adopted by the Illinois ~~Department of~~ State Police under Section 50 of the Sexual Assault Evidence Submission Act.

(11) Written information regarding the Illinois State Police sexual assault evidence tracking system.

(a-7) By January 1, 2023, every hospital with a treatment plan approved by the Department shall employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting to the treatment hospital or treatment hospital with approved pediatric transfer. The provision of medical forensic services by a qualified medical provider shall not delay the provision of life-saving medical care.

(a-10) Every federally qualified health center with a treatment plan approved by the Department shall employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting to the federally qualified health center. The provision of medical forensic services by a

qualified medical provider shall not delay the provision of life-saving medical care.

(b) Any person who is a sexual assault survivor who seeks medical forensic services or follow-up healthcare under this Act shall be provided such services without the consent of any parent, guardian, custodian, surrogate, or agent. If a sexual assault survivor is unable to consent to medical forensic services, the services may be provided under the Consent by Minors to Health Care Services Act, the Health Care Surrogate Act, or other applicable State and federal laws.

(b-5) Every hospital, approved pediatric health care facility, or approved federally qualified health center providing medical forensic services to sexual assault survivors shall issue a voucher to any sexual assault survivor who is eligible to receive one in accordance with Section 5.2-1 of this Act. The hospital, approved pediatric health care facility, or approved federally qualified health center shall make a copy of the voucher and place it in the medical record of the sexual assault survivor. The hospital, approved pediatric health care facility, or approved federally qualified health center shall provide a copy of the voucher to the sexual assault survivor after discharge upon request.

(c) Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital, or approved pediatric health care facility, or approved federally qualified health center.

(d) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-1097, eff. 6-16-22; 102-1106, eff. 1-1-23; revised 12-19-22.)

(410 ILCS 70/5.4)

Sec. 5.4. Out-of-state hospitals.

(a) Nothing in this Section shall prohibit the transfer of a patient in need of medical services from a hospital that has been designated as a trauma center by the Department in accordance with Section 3.90 of the Emergency Medical Services (EMS) Systems Act.

(b) A transfer hospital, treatment hospital with approved pediatric transfer, or approved pediatric health care facility may transfer a sexual assault survivor to an out-of-state hospital that is located in a county that borders Illinois if the out-of-state hospital: (1) submits an areawide treatment plan approved by the Department; and (2) has certified the following to the Department in a form and manner prescribed by the Department that the out-of-state hospital will:

(i) consent to the jurisdiction of the Department in accordance with Section 2.06 of this Act;

(ii) comply with all requirements of this Act applicable to treatment hospitals, including, but not limited to, offering evidence collection to any Illinois sexual assault survivor who presents with a complaint of

sexual assault within a minimum of the last 7 days or who has disclosed past sexual assault by a specific individual and was in the care of that individual within a minimum of the last 7 days and not billing the sexual assault survivor for medical forensic services or 180 days of follow-up healthcare;

(iii) use an Illinois State Police Sexual Assault Evidence Collection Kit to collect forensic evidence from an Illinois sexual assault survivor;

(iv) ensure its staff cooperates with Illinois law enforcement agencies and are responsive to subpoenas issued by Illinois courts; and

(v) provide appropriate transportation upon the completion of medical forensic services back to the transfer hospital or treatment hospital with pediatric transfer where the sexual assault survivor initially presented seeking medical forensic services, unless the sexual assault survivor chooses to arrange his or her own transportation.

(c) Subsection (b) of this Section is inoperative on and after January 1, 2029.

(Source: P.A. 102-1097, eff. 1-1-23; 102-1106, eff. 1-1-23; revised 12-19-22.)

(410 ILCS 70/7)

Sec. 7. Reimbursement.

(a) A hospital, approved pediatric health care facility, or health care professional furnishing medical forensic services, an ambulance provider furnishing transportation to a sexual assault survivor, a hospital, health care professional, or laboratory providing follow-up healthcare, or a pharmacy dispensing prescribed medications to any sexual assault survivor shall furnish such services or medications to that person without charge and shall seek payment as follows:

(1) If a sexual assault survivor is eligible to receive benefits under the medical assistance program under Article V of the Illinois Public Aid Code, the ambulance provider, hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy must submit the bill to the Department of Healthcare and Family Services or the appropriate Medicaid managed care organization and accept the amount paid as full payment.

(2) If a sexual assault survivor is covered by one or more policies of health insurance or is a beneficiary under a public or private health coverage program, the ambulance provider, hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy shall bill the insurance company or program. With respect to such insured patients, applicable deductible, co-pay, co-insurance, denial of claim, or any other out-of-pocket insurance-related expense may be submitted

to the Illinois Sexual Assault Emergency Treatment Program of the Department of Healthcare and Family Services in accordance with 89 Ill. Adm. Code 148.510 for payment at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code. The ambulance provider, hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy shall accept the amounts paid by the insurance company or health coverage program and the Illinois Sexual Assault Treatment Program as full payment.

(3) If a sexual assault survivor (i) is neither eligible to receive benefits under the medical assistance program under Article V of the Illinois Public Aid Code nor covered by a policy of insurance or a public or private health coverage program or (ii) opts out of billing a private insurance provider, as permitted under subsection (a-5) of Section 7.5, the ambulance provider, hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy shall submit the request for reimbursement to the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services in accordance with 89 Ill. Adm. Code 148.510 at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code.

(4) If a sexual assault survivor presents a sexual

assault services voucher for follow-up healthcare, the healthcare professional, pediatric health care facility, or laboratory that provides follow-up healthcare or the pharmacy that dispenses prescribed medications to a sexual assault survivor shall submit the request for reimbursement for follow-up healthcare, pediatric health care facility, laboratory, or pharmacy services to the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services in accordance with 89 Ill. Adm. Code 148.510 at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code. Nothing in this subsection (a) precludes hospitals or approved pediatric health care facilities from providing follow-up healthcare and receiving reimbursement under this Section.

(b) Nothing in this Section precludes a hospital, health care provider, ambulance provider, laboratory, or pharmacy from billing the sexual assault survivor or any applicable health insurance or coverage for inpatient services.

(b-5) Medical forensic services furnished by a person or entity described under subsection (a) to any sexual assault survivor on or after July 1, 2022 that are required under this Act to be reimbursed by the Department of Healthcare and Family Services, the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services, or the appropriate Medicaid managed care

organization shall be reimbursed at a rate of at least $1,000.

(c) (Blank).

(d) (Blank).

(e) The Department of Healthcare and Family Services shall establish standards, rules, and regulations to implement this Section.

(f) This Section is effective on and after January 1, 2024.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-699, Article 30, Section 30-5, eff. 4-19-22; 102-699, Article 35, Section 35-5 (See Section 99-99 of P.A. 102-699 and Section 99 of P.A. 102-1097 regarding the effective date of changes made in Article 35 of P.A. 102-699); revised 12-14-22.)

(410 ILCS 70/7-1)

(Section scheduled to be repealed on December 31, 2023)

Sec. 7-1. Reimbursement

(a) A hospital, approved pediatric health care facility, approved federally qualified health center, or health care professional furnishing medical forensic services, an ambulance provider furnishing transportation to a sexual assault survivor, a hospital, health care professional, or laboratory providing follow-up healthcare, or a pharmacy dispensing prescribed medications to any sexual assault survivor shall furnish such services or medications to that

person without charge and shall seek payment as follows:

(1) If a sexual assault survivor is eligible to receive benefits under the medical assistance program under Article V of the Illinois Public Aid Code, the ambulance provider, hospital, approved pediatric health care facility, approved federally qualified health center, health care professional, laboratory, or pharmacy must submit the bill to the Department of Healthcare and Family Services or the appropriate Medicaid managed care organization and accept the amount paid as full payment.

(2) If a sexual assault survivor is covered by one or more policies of health insurance or is a beneficiary under a public or private health coverage program, the ambulance provider, hospital, approved pediatric health care facility, approved federally qualified health center, health care professional, laboratory, or pharmacy shall bill the insurance company or program. With respect to such insured patients, applicable deductible, co-pay, co-insurance, denial of claim, or any other out-of-pocket insurance-related expense may be submitted to the Illinois Sexual Assault Emergency Treatment Program of the Department of Healthcare and Family Services in accordance with 89 Ill. Adm. Code 148.510 for payment at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code. The ambulance provider, hospital, approved pediatric health care

facility, approved federally qualified health center, health care professional, laboratory, or pharmacy shall accept the amounts paid by the insurance company or health coverage program and the Illinois Sexual Assault Treatment Program as full payment.

(3) If a sexual assault survivor (i) is neither eligible to receive benefits under the medical assistance program under Article V of the Illinois Public Aid Code nor covered by a policy of insurance or a public or private health coverage program or (ii) opts out of billing a private insurance provider, as permitted under subsection (a-5) of Section 7.5, the ambulance provider, hospital, approved pediatric health care facility, approved federally qualified health center, health care professional, laboratory, or pharmacy shall submit the request for reimbursement to the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services in accordance with 89 Ill. Adm. Code 148.510 at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code.

(4) If a sexual assault survivor presents a sexual assault services voucher for follow-up healthcare, the healthcare professional, pediatric health care facility, federally qualified health center, or laboratory that provides follow-up healthcare or the pharmacy that

dispenses prescribed medications to a sexual assault survivor shall submit the request for reimbursement for follow-up healthcare, pediatric health care facility, laboratory, or pharmacy services to the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services in accordance with 89 Ill. Adm. Code 148.510 at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code. Nothing in this subsection (a) precludes hospitals, or approved pediatric health care facilities or approved federally qualified health centers from providing follow-up healthcare and receiving reimbursement under this Section.

(b) Nothing in this Section precludes a hospital, health care provider, ambulance provider, laboratory, or pharmacy from billing the sexual assault survivor or any applicable health insurance or coverage for inpatient services.

(b-5) Medical forensic services furnished by a person or entity described under subsection (a) to any sexual assault survivor on or after July 1, 2022 that are required under this Act to be reimbursed by the Department of Healthcare and Family Services, the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services, or the appropriate Medicaid managed care organization shall be reimbursed at a rate of at least $1,000.

(c) (Blank).

(d) (Blank).

(e) The Department of Healthcare and Family Services shall establish standards, rules, and regulations to implement this Section.

(f) This Section is repealed on December 31, 2023.

(Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-699, Article 30, Section 30-5, eff. 4-19-22; 102-699, Article 35, Section 35-5 (See Section 99-99 of P.A. 102-699 and Section 99 of P.A. 102-1097 regarding the effective date of changes made in Article 35 of P.A. 102-699); revised 12-14-22.)

(410 ILCS 70/9.5)

(Section scheduled to be repealed on January 1, 2025)

Sec. 9.5. Sexual Assault Medical Forensic Services Implementation Task Force.

(a) The Sexual Assault Medical Forensic Services Implementation Task Force is created to assist hospitals and approved pediatric health care facilities with the implementation of the changes made by Public Act 100-775 ~~this amendatory Act of the 100th General Assembly~~. The Task Force shall consist of the following members, who shall serve without compensation:

(1) one member of the Senate appointed by the President of the Senate, who may designate an alternate member;

(2) one member of the Senate appointed by the Minority Leader of the Senate, who may designate an alternate member;

(3) one member of the House of Representatives appointed by the Speaker of the House of Representatives, who may designate an alternate member;

(4) one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, who may designate an alternate member;

(5) two members representing the Office of the Attorney General appointed by the Attorney General, one of whom shall be the Sexual Assault Nurse Examiner Coordinator for the State of Illinois;

(6) one member representing the Department of Public Health appointed by the Director of Public Health;

(7) one member representing the Illinois State Police appointed by the Director of the Illinois State Police;

(8) one member representing the Department of Healthcare and Family Services appointed by the Director of Healthcare and Family Services;

(9) six members representing hospitals appointed by the head of a statewide organization representing the interests of hospitals in Illinois, at least one of whom shall represent small and rural hospitals and at least one of these members shall represent urban hospitals;

(10) one member representing physicians appointed by

the head of a statewide organization representing the interests of physicians in Illinois;

(11) one member representing emergency physicians appointed by the head of a statewide organization representing the interests of emergency physicians in Illinois;

(12) two members representing child abuse pediatricians appointed by the head of a statewide organization representing the interests of child abuse pediatricians in Illinois, at least one of whom shall represent child abuse pediatricians providing medical forensic services in rural locations and at least one of whom shall represent child abuse pediatricians providing medical forensic services in urban locations;

(13) one member representing nurses appointed by the head of a statewide organization representing the interests of nurses in Illinois;

(14) two members representing sexual assault nurse examiners appointed by the head of a statewide organization representing the interests of forensic nurses in Illinois, at least one of whom shall represent pediatric/adolescent sexual assault nurse examiners and at least one of these members shall represent adult/adolescent sexual assault nurse examiners;

(15) one member representing State's Attorneys appointed by the head of a statewide organization

representing the interests of State's Attorneys in Illinois;

(16) three members representing sexual assault survivors appointed by the head of a statewide organization representing the interests of sexual assault survivors and rape crisis centers, at least one of whom shall represent rural rape crisis centers and at least one of whom shall represent urban rape crisis centers;

(17) two members representing children's advocacy centers appointed by the head of a statewide organization representing the interests of children's advocacy centers in Illinois, one of whom represents rural child advocacy centers and one of whom represents urban child advocacy centers; and

(18) one member representing approved federally qualified health centers appointed by the Director of Public Health.

The members representing the Office of the Attorney General and the Department of Public Health shall serve as co-chairpersons of the Task Force. The Office of the Attorney General shall provide administrative and other support to the Task Force.

(b) The first meeting of the Task Force shall be called by the co-chairpersons no later than 90 days after the effective date of this Section.

(c) The goals of the Task Force shall include, but not be

limited to, the following:

(1) to facilitate the development of areawide treatment plans among hospitals and pediatric health care facilities;

(2) to facilitate the development of on-call systems of qualified medical providers and assist hospitals with the development of plans to employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting to the hospital as required in subsection (a-7) of Section 5;

(3) to identify photography and storage options for hospitals to comply with the photo documentation requirements in Sections 5 and 5.1;

(4) to develop a model written agreement for use by rape crisis centers, hospitals, and approved pediatric health care facilities with sexual assault treatment plans to comply with subsection (c) of Section 2;

(5) to develop and distribute educational information regarding the implementation of this Act to hospitals, health care providers, rape crisis centers, children's advocacy centers, State's Attorney's offices;

(6) to examine the role of telemedicine in the provision of medical forensic services under this Act and to develop recommendations for statutory change and standards and procedures for the use of telemedicine to be

adopted by the Department;

(7) to seek inclusion of the International Association of Forensic Nurses Sexual Assault Nurse Examiner Education Guidelines for nurses within the registered nurse training curriculum in Illinois nursing programs and the American College of Emergency Physicians Management of the Patient with the Complaint of Sexual Assault for emergency physicians within the Illinois residency training curriculum for emergency physicians; and

(8) to submit a report to the General Assembly by January 1, 2024 regarding the status of implementation of Public Act 100-775 ~~this amendatory Act of the 100th General Assembly~~, including, but not limited to, the impact of transfers to out-of-state hospitals on sexual assault survivors, the availability of treatment hospitals in Illinois, and the status of pediatric sexual assault care. The report shall also cover the impact of medical forensic services provided at approved federally qualified health centers on sexual assault survivors. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct.

(d) This Section is repealed on January 1, 2025.

(Source: P.A. 102-538, eff. 8-20-21; 102-1097, eff. 6-16-22; 102-1106, eff. 12-14-22; revised 12-19-22.)

Section 585. The Vital Records Act is amended by changing Section 18 as follows:

(410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

Sec. 18. (1) Each death which occurs in this State shall be registered by filing a death certificate with the local registrar of the district in which the death occurred or the body was found, within 7 days after such death (within 5 days if the death occurs prior to January 1, 1989) and prior to cremation or removal of the body from the State, except when death is subject to investigation by the coroner or medical examiner.

(a) For the purposes of this Section, if the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found, which shall be considered the place of death.

(b) When a death occurs on a moving conveyance, the place where the body is first removed from the conveyance shall be considered the place of death and a death certificate shall be filed in the registration district in which such place is located.

(c) The funeral director who first assumes custody of a dead body shall be responsible for filing a completed death certificate. He or she shall obtain the personal data from the next of kin or the best qualified person or

source available; he or she shall enter on the certificate the name, relationship, and address of the informant; he or she shall enter the date, place, and method of final disposition; he or she shall affix his or her own signature and enter his or her address; and shall present the certificate to the person responsible for completing the medical certification of cause of death. The person responsible for completing the medical certification of cause of death must note the presence of methicillin-resistant staphylococcus aureus, clostridium difficile, or vancomycin-resistant enterococci if it is a contributing factor to or the cause of death. Additional multi-drug resistant organisms (MDROs) may be added to this list by the Department by rule.

(2) The medical certification shall be completed and signed within 48 hours after death by the certifying health care professional who, within 12 months prior to the date of the patient's death, was treating or managing treatment of the patient's illness or condition which resulted in death, except when death is subject to the coroner's or medical examiner's investigation. In the absence of the certifying health care professional or with his or her approval, the medical certificate may be completed and signed by his or her associate physician, ~~or~~ advanced practice registered nurse, or physician assistant, the chief medical officer of the institution in which death occurred, or ~~by~~ the physician who

performed an autopsy upon the decedent.

(3) When a death occurs without medical attendance, or when it is otherwise subject to the coroner's or medical examiner's investigation, the coroner or medical examiner shall be responsible for the completion of a coroner's or medical examiner's certificate of death and shall sign the medical certification within 48 hours after death, except as provided by regulation in special problem cases. If the decedent was under the age of 18 years at the time of his or her death, and the death was due to injuries suffered as a result of a motor vehicle backing over a child, or if the death occurred due to the power window of a motor vehicle, the coroner or medical examiner must send a copy of the medical certification, with information documenting that the death was due to a vehicle backing over the child or that the death was caused by a power window of a vehicle, to the Department of Children and Family Services. The Department of Children and Family Services shall (i) collect this information for use by Child Death Review Teams and (ii) compile and maintain this information as part of its Annual Child Death Review Team Report to the General Assembly.

(3.5) The medical certification of cause of death shall expressly provide an opportunity for the person completing the certification to indicate that the death was caused in whole or in part by a dementia-related disease, Parkinson's Disease, or Parkinson-Dementia Complex.

(4) When the deceased was a veteran of any war of the United States, the funeral director shall prepare a "Certificate of Burial of U. S. War Veteran", as prescribed and furnished by the Illinois Department of Veterans' Affairs, and submit such certificate to the Illinois Department of Veterans' Affairs monthly.

(5) When a death is presumed to have occurred in this State but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of a court of competent jurisdiction which includes the finding of facts required to complete the death certificate. Such death certificate shall be marked "Presumptive" and shall show on its face the date of the registration and shall identify the court and the date of the judgment.

(Source: P.A. 102-257, eff. 1-1-22; 102-844, eff. 1-1-23; revised 12-12-22.)

Section 590. The Sanitary Food Preparation Act is amended by changing Sections 2 and 8 as follows:

(410 ILCS 650/2) (from Ch. 56 1/2, par. 68)

Sec. 2. The floors, sidewalks, ceilings, furniture, receptacles, implements, and machinery of every such establishment or place where such food intended for sale is produced, prepared, manufactured, packed, stored, sold, or distributed, and all cars, trucks, and vehicles used in the

transportation of such food products, shall at no time be kept or permitted to remain in an unclean, unhealthful, or insanitary condition; and for the purpose of this Act ~~act~~, unclean, unhealthful, or insanitary conditions shall be deemed to exist if food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation is not securely protected from flies, dust, dirt, and, as far as may be necessary by all reasonable means, from all other foreign or injurious contamination; or if the refuse, dirt, or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing, or transportation of such food are not removed daily, or if all trucks, trays, boxes, buckets, or other receptacles, or the shutes, platforms, racks, tables, shelves, and knives, saws, cleavers, or other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, or other processes are not thoroughly cleaned daily; or if the clothing of operatives, employees ~~employes~~, clerks, or other persons therein employed, is unclean.

(Source: P.A. 80-1495; revised 8-24-22.)

(410 ILCS 650/8) (from Ch. 56 1/2, par. 74)

Sec. 8. No operative, employee ~~employe~~, or other persons shall expectorate on the food or on the utensils or on the floors or sidewalls of any building, room, basement, or cellar

where the production, preparation, manufacture, packing, storing, or sale of any such food is conducted. Operatives, employees ~~employes~~, clerks, and all other persons who handle the material from which such food is prepared or the finished product, before beginning work, or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the provisions of this Section shall be guilty of a petty offense and fined not more than $25.

(Source: P.A. 77-2695; revised 8-24-22.)

Section 595. The Drug Take-Back Act is amended by changing Section 25 as follows:

(410 ILCS 720/25)

Sec. 25. Drug take-back program requirements.

(a) At least 120 days prior to submitting a proposal under Section 35, a manufacturer program operator must notify potential authorized collectors of the opportunity to serve as an authorized collector for the proposed drug take-back program. No later than 30 days after a potential authorized collector expresses interest in participating in a proposed program, the manufacturer program operator must commence good faith negotiations with the potential authorized collector regarding the collector's participation in the program.

(b) A person may serve as an authorized collector for a

drug take-back program voluntarily or in exchange for compensation. Nothing in this Act requires any person to serve as an authorized collector for a drug take-back program.

(c) A pharmacy shall not be required to participate in a drug take-back program.

(d) A drug take-back program must include as a collector any person who (i) is a potential authorized collector and (ii) offers to participate in the program. The manufacturer program operator must include the person in the program as an authorized collector no later than 90 days after receiving a written offer to participate.

(e) A drug take-back program must pay for all administrative and operational costs of the drug take-back program, as outlined in subsection (a) of Section 55.

(f) An authorized collector operating a drug take-back program collection site must accept all covered drugs from consumers during the hours that the location used as a collection site is normally open for business to the public.

(g) A drug take-back program collection site must collect covered drugs and store them in compliance with State and federal law, including United States Drug Enforcement Administration regulations. The manufacturer program operator must provide for transportation and disposal of collected covered drugs in a manner that ensures each collection site is serviced as often as necessary to avoid reaching capacity and that collected covered drugs are transported to final disposal

in a manner compliant with State and federal law, including a process for additional prompt collection service upon notification from the collection site. Covered drugs shall be disposed of at:

(1) a permitted hazardous waste facility that meets the requirements under 40 CFR 264 and 40 CFR 265;

(2) a permitted municipal waste incinerator that meets the requirements under 40 CFR 50 and 40 CFR 62; or

(3) a permitted hospital, medical, and infectious waste incinerator that meets the requirements under subpart HHH of 40 CFR part 62, an applicable State plan for existing hospital, medical, and infectious waste incinerators, or subpart Ec of 40 CFR part 60 for new hospital, medical, and infectious waste incinerators.

(h) Authorized collectors must comply with all State and federal laws and regulations governing the collection, storage, and disposal of covered drugs, including United States Drug Enforcement Administration regulations.

(i) A drug take-back program must provide for the collection, transportation, and disposal of covered drugs on an ongoing, year-round basis and must provide access for residents across the State as set forth in subsection (j).

(j) A drug take-back program shall provide, in every county with a potential authorized collector, one authorized collection site and a minimum of at least one additional collection site for every 50,000 county residents, provided

that there are enough potential authorized collectors offering to participate in the drug take-back program.

All potential authorized collection sites that offer to participate in a drug take-back program shall be counted toward ~~towards~~ meeting the minimum number of authorized collection sites within a drug take-back program. Collection sites funded in part or in whole under a contract between a covered manufacturer and a pharmacy entered into on or before June 10, 2022 (the effective date of this Act) shall be counted toward ~~towards~~ the minimum requirements within this Section for so long as the contract continues.

(k) A drug take-back program may include mail-back distribution locations or periodic collection events for each county in the State. The manufacturer program operator shall consult with each county authority identified in the written notice prior to preparing the program plan to determine the role that mail-back distribution locations or periodic collection events will have in the drug take-back program.

The requirement to hold periodic collection events shall be deemed to be satisfied if a manufacturer program operator makes reasonable efforts to arrange periodic collection events but they cannot be scheduled due to lack of law enforcement availability.

A drug take-back program must permit a consumer who is a homeless, homebound, or disabled individual to request prepaid, preaddressed mailing envelopes. A manufacturer

program operator shall accept the request through a website and toll-free telephone number that it must maintain to comply with the requests.

(Source: P.A. 102-1055, eff. 6-10-22; revised 8-24-22.)

Section 600. The Environmental Protection Act is amended by changing Sections 10, 22.15, and 22.59 as follows:

(415 ILCS 5/10) (from Ch. 111 1/2, par. 1010)

Sec. 10. Regulations.

(A) The Board, pursuant to procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe:

(a) (Blank);

(b) Emission standards specifying the maximum amounts or concentrations of various contaminants that may be discharged into the atmosphere;

(c) Standards for the issuance of permits for construction, installation, or operation of any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution;

(d) Standards and conditions regarding the sale, offer, or use of any fuel, vehicle, or other article determined by the Board to constitute an air-pollution

hazard;

(e) Alert and abatement standards relative to air-pollution episodes or emergencies constituting an acute danger to health or to the environment;

(f) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to air pollution;

(g) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their sources, the collection of samples, and the collection, reporting, and retention of data resulting from such monitoring.

(B) The Board may adopt regulations and emission standards that are applicable or that may become applicable to stationary emission sources located in all areas of the State in accordance with any of the following:

(1) that are required by federal law;

(2) that are otherwise part of the State's attainment plan and are necessary to attain the national ambient air quality standards; or

(3) that are necessary to comply with the requirements of the federal Clean Air Act.

(C) The Board may not adopt any regulation banning the burning of landscape waste throughout the State generally. The Board may, by regulation, restrict or prohibit the burning of landscape waste within any geographical area of the State if

it determines based on medical and biological evidence generally accepted by the scientific community that such burning will produce in the atmosphere of that geographical area contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human ~~humans~~, plant, or animal life~~,~~ or health.

(D) The Board shall adopt regulations requiring the owner or operator of a gasoline dispensing system that dispenses more than 10,000 gallons of gasoline per month to install and operate a system for the recovery of gasoline vapor emissions arising from the fueling of motor vehicles that meets the requirements of Section 182 of the federal Clean Air Act (42 U.S.C. ~~USC~~ 7511a). These regulations shall apply only in areas of the State that are classified as moderate, serious, severe, or extreme nonattainment areas for ozone pursuant to Section 181 of the federal Clean Air Act (42 U.S.C. ~~USC~~ 7511), but shall not apply in such areas classified as moderate nonattainment areas for ozone if the Administrator of the U.S. Environmental Protection Agency promulgates standards for vehicle-based (onboard) systems for the control of vehicle refueling emissions pursuant to Section 202(a)(6) of the federal Clean Air Act (42 U.S.C. ~~USC~~ 7521(a)(6)) by November 15, 1992.

(E) The Board shall not adopt or enforce any regulation requiring the use of a tarpaulin or other covering on a truck, trailer, or other vehicle that is stricter than the

requirements of Section 15-109.1 of the Illinois Vehicle Code. To the extent that it is in conflict with this subsection, the Board's rule codified as 35 Ill. Adm. ~~Admin.~~ Code~~, Section~~ 212.315 is hereby superseded.

(F) Any person who, prior to June 8, 1988, has filed a timely Notice of Intent to Petition for an Adjusted RACT Emissions Limitation and who subsequently timely files a completed petition for an adjusted RACT emissions limitation pursuant to 35 Ill. Adm. Code~~,~~ Part 215, Subpart I, shall be subject to the procedures contained in Subpart I but shall be excluded by operation of law from 35 Ill. Adm. Code~~,~~ Part 215, Subparts PP, QQ, and RR, including the applicable definitions in 35 Ill. Adm. Code~~,~~ Part 211. Such persons shall instead be subject to a separate regulation which the Board is hereby authorized to adopt pursuant to the adjusted RACT emissions limitation procedure in 35 Ill. Adm. Code~~,~~ Part 215, Subpart I. In its final action on the petition, the Board shall create a separate rule which establishes Reasonably Available Control Technology (RACT) for such person. The purpose of this procedure is to create separate and independent regulations for purposes of SIP submittal, review, and approval by USEPA.

(G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code~~,~~ ~~Sections~~ 218.720 through 218.730 and ~~Sections~~ 219.720 through 219.730, are hereby repealed by operation of law and are rendered null and void and of no force and effect.

(H) In accordance with subsection (b) of Section 7.2, the

Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere; those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act. The Board may consolidate into a single rulemaking under this subsection all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act, relating to procedures for rulemaking, shall not apply to identical in substance regulations adopted pursuant to this subsection. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State. Nothing in this subsection shall be construed to limit the right of any person to submit a proposal to the Board, or the authority of the Board to adopt, air quality standards more stringent than the standards promulgated by the Administrator, pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 97-945, eff. 8-10-12; revised 2-28-22.)

(415 ILCS 5/22.15)

Sec. 22.15. Solid Waste Management Fund; fees.

(a) There is hereby created within the State Treasury a special fund to be known as the Solid Waste Management Fund, to be constituted from the fees collected by the State pursuant to this Section, from repayments of loans made from the Fund for solid waste projects, from registration fees collected pursuant to the Consumer Electronics Recycling Act, and from amounts transferred into the Fund pursuant to Public Act 100-433. Moneys received by either the Agency or the Department of Commerce and Economic Opportunity in repayment of loans made pursuant to the Illinois Solid Waste Management Act shall be deposited into the General Revenue Fund.

(b) The Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection. Beginning on July 1, 2018, and on the first day of each month thereafter during fiscal years 2019 through 2023, the State Comptroller shall direct and State Treasurer shall transfer an amount equal to 1/12 of $5,000,000

per fiscal year from the Solid Waste Management Fund to the General Revenue Fund.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 95 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of $2.00 per ton of solid waste permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed $1.55 per cubic yard or $3.27 per ton.

(2) If more than 100,000 cubic yards but not more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $52,630.

(3) If more than 50,000 cubic yards but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $23,790.

(4) If more than 10,000 cubic yards but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $7,260.

(5) If not more than 10,000 cubic yards of

non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1050.

(c) (Blank).

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

(1) necessary records identifying the quantities of solid waste received or disposed;

(2) the form and submission of reports to accompany the payment of fees to the Agency;

(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and

(4) procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration, and for the administration of the Consumer Electronics Recycling Act and the Drug Take-Back Act.

(f) The Agency is authorized to enter into such agreements and to promulgate such rules as are necessary to carry out its

duties under this Section and the Illinois Solid Waste Management Act.

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer $500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial assistance to units of local government for the performance of inspecting, investigating, and enforcement activities pursuant to subsection (r) of Section 4 ~~Section 4(r)~~ at nonhazardous solid waste disposal sites.

(i) The Agency is authorized to conduct household waste collection and disposal programs.

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other

environment-related purpose, including, but not limited to, an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

(1) 60¢ per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed $1.27 per ton of solid waste permanently disposed of.

(2) $33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(3) $15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(4) $4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) $650 if not more than 10,000 cubic yards of

non-hazardous solid waste is permanently disposed of at the site in a calendar year.

The corporate authorities of the unit of local government may use proceeds from the fee, tax, or surcharge to reimburse a highway commissioner whose road district lies wholly or partially within the corporate limits of the unit of local government for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

For the disposal of solid waste from general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160, the total fee, tax, or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed 50% of the applicable amount set forth above. A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a general construction or demolition debris recovery facility is located may establish a fee, tax, or surcharge on the general construction or demolition debris recovery facility with regard to the permanent disposal of solid waste by the general construction or demolition debris recovery facility at a solid waste disposal facility, provided that such fee, tax, or surcharge shall not exceed 50% of the applicable amount set forth above, based on the total amount of solid waste transported from the general construction or

demolition debris recovery facility for disposal at solid waste disposal facilities, and the unit of local government and fee shall be subject to all other requirements of this subsection (j).

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees. At least annually, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government

in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund may be accumulated over a period of years to be expended in accordance with this subsection.

A unit of local government, as defined in the Local Solid Waste Disposal Act, shall prepare and post on its website, in April of each year, a report that details spending plans for monies collected in accordance with this subsection. The report will at a minimum include the following:

(1) The total monies collected pursuant to this subsection.

(2) The most current balance of monies collected pursuant to this subsection.

(3) An itemized accounting of all monies expended for the previous year pursuant to this subsection.

(4) An estimation of monies to be collected for the following 3 years pursuant to this subsection.

(5) A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

The exemptions granted under Sections 22.16 and 22.16a, and under subsection (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully

executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

(k) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, beginning January 1, 1989 the fee under subsection (b) and the fee, tax or surcharge under subsection (j) shall not apply to:

(1) waste which is hazardous waste;

(2) waste which is pollution control waste;

(3) waste from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; the exemption set forth in this paragraph (3) of this subsection (k) shall not apply to general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160;

(4) non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or

(5) any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20; 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff. 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1055, eff. 6-10-22; revised 8-25-22.)

(415 ILCS 5/22.59)

Sec. 22.59. CCR surface impoundments.

(a) The General Assembly finds that:

(1) the State of Illinois has a long-standing policy to restore, protect, and enhance the environment, including the purity of the air, land, and waters, including groundwaters, of this State;

(2) a clean environment is essential to the growth and well-being of this State;

(3) CCR generated by the electric generating industry has caused groundwater contamination and other forms of pollution at active and inactive plants throughout this State;

(4) environmental laws should be supplemented to ensure consistent, responsible regulation of all existing CCR surface impoundments; and

(5) meaningful participation of State residents, especially vulnerable populations who may be affected by regulatory actions, is critical to ensure that environmental justice considerations are incorporated in the development of, decision-making related to, and

implementation of environmental laws and rulemaking that protects and improves the well-being of communities in this State that bear disproportionate burdens imposed by environmental pollution.

Therefore, the purpose of this Section is to promote a healthful environment, including clean water, air, and land, meaningful public involvement, and the responsible disposal and storage of coal combustion residuals, so as to protect public health and to prevent pollution of the environment of this State.

The provisions of this Section shall be liberally construed to carry out the purposes of this Section.

(b) No person shall:

(1) cause or allow the discharge of any contaminants from a CCR surface impoundment into the environment so as to cause, directly or indirectly, a violation of this Section or any regulations or standards adopted by the Board under this Section, either alone or in combination with contaminants from other sources;

(2) construct, install, modify, operate, or close any CCR surface impoundment without a permit granted by the Agency, or so as to violate any conditions imposed by such permit, any provision of this Section or any regulations or standards adopted by the Board under this Section;

(3) cause or allow, directly or indirectly, the discharge, deposit, injection, dumping, spilling, leaking,

or placing of any CCR upon the land in a place and manner so as to cause or tend to cause a violation of this Section or any regulations or standards adopted by the Board under this Section; or

(4) construct, install, modify, or close a CCR surface impoundment in accordance with a permit issued under this Act without certifying to the Agency that all contractors, subcontractors, and installers utilized to construct, install, modify, or close a CCR surface impoundment are participants in:

(A) a training program that is approved by and registered with the United States Department of Labor's Employment and Training Administration and that includes instruction in erosion control and environmental remediation; and

(B) a training program that is approved by and registered with the United States Department of Labor's Employment and Training Administration and that includes instruction in the operation of heavy equipment and excavation.

Nothing in this paragraph (4) shall be construed to require providers of construction-related professional services to participate in a training program approved by and registered with the United States Department of Labor's Employment and Training Administration.

In this paragraph (4), "construction-related

professional services" includes, but is not limited to, those services within the scope of: (i) the practice of architecture as regulated under the Illinois Architecture Practice Act of 1989; (ii) professional engineering as defined in Section 4 of the Professional Engineering Practice Act of 1989; (iii) the practice of a structural engineer as defined in Section 4 of the Structural Engineering Practice Act of 1989; or (iv) land surveying under the Illinois Professional Land Surveyor Act of 1989.

(c) (Blank).

(d) Before commencing closure of a CCR surface impoundment, in accordance with Board rules, the owner of a CCR surface impoundment must submit to the Agency for approval a closure alternatives analysis that analyzes all closure methods being considered and that otherwise satisfies all closure requirements adopted by the Board under this Act. Complete removal of CCR, as specified by the Board's rules, from the CCR surface impoundment must be considered and analyzed. Section 3.405 does not apply to the Board's rules specifying complete removal of CCR. The selected closure method must ensure compliance with regulations adopted by the Board pursuant to this Section.

(e) Owners or operators of CCR surface impoundments who have submitted a closure plan to the Agency before May 1, 2019, and who have completed closure prior to 24 months after July 30, 2019 (the effective date of Public Act 101-171) shall not

be required to obtain a construction permit for the surface impoundment closure under this Section.

(f) Except for the State, its agencies and institutions, a unit of local government, or a not-for-profit electric cooperative as defined in Section 3.4 of the Electric Supplier Act, any person who owns or operates a CCR surface impoundment in this State shall post with the Agency a performance bond or other security for the purpose of: (i) ensuring closure of the CCR surface impoundment and post-closure care in accordance with this Act and its rules; and (ii) ensuring remediation of releases from the CCR surface impoundment. The only acceptable forms of financial assurance are: a trust fund, a surety bond guaranteeing payment, a surety bond guaranteeing performance, or an irrevocable letter of credit.

(1) The cost estimate for the post-closure care of a CCR surface impoundment shall be calculated using a 30-year post-closure care period or such longer period as may be approved by the Agency under Board or federal rules.

(2) The Agency is authorized to enter into such contracts and agreements as it may deem necessary to carry out the purposes of this Section. Neither the State, nor the Director, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any action taken under this Section.

(3) The Agency shall have the authority to approve or

disapprove any performance bond or other security posted under this subsection. Any person whose performance bond or other security is disapproved by the Agency may contest the disapproval as a permit denial appeal pursuant to Section 40.

(g) The Board shall adopt rules establishing construction permit requirements, operating permit requirements, design standards, reporting, financial assurance, and closure and post-closure care requirements for CCR surface impoundments. Not later than 8 months after July 30, 2019 (the effective date of Public Act 101-171) the Agency shall propose, and not later than one year after receipt of the Agency's proposal the Board shall adopt, rules under this Section. The Board shall not be deemed in noncompliance with the rulemaking deadline due to delays in adopting rules as a result of the Joint Committee ~~Commission~~ on Administrative Rules oversight process. The rules must, at a minimum:

(1) be at least as protective and comprehensive as the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency in Subpart D of 40 CFR 257 governing CCR surface impoundments;

(2) specify the minimum contents of CCR surface impoundment construction and operating permit applications, including the closure alternatives analysis required under subsection (d);

(3) specify which types of permits include requirements for closure, post-closure, remediation and all other requirements applicable to CCR surface impoundments;

(4) specify when permit applications for existing CCR surface impoundments must be submitted, taking into consideration whether the CCR surface impoundment must close under the RCRA;

(5) specify standards for review and approval by the Agency of CCR surface impoundment permit applications;

(6) specify meaningful public participation procedures for the issuance of CCR surface impoundment construction and operating permits, including, but not limited to, public notice of the submission of permit applications, an opportunity for the submission of public comments, an opportunity for a public hearing prior to permit issuance, and a summary and response of the comments prepared by the Agency;

(7) prescribe the type and amount of the performance bonds or other securities required under subsection (f), and the conditions under which the State is entitled to collect moneys from such performance bonds or other securities;

(8) specify a procedure to identify areas of environmental justice concern in relation to CCR surface impoundments;

(9) specify a method to prioritize CCR surface impoundments required to close under RCRA if not otherwise specified by the United States Environmental Protection Agency, so that the CCR surface impoundments with the highest risk to public health and the environment, and areas of environmental justice concern are given first priority;

(10) define when complete removal of CCR is achieved and specify the standards for responsible removal of CCR from CCR surface impoundments, including, but not limited to, dust controls and the protection of adjacent surface water and groundwater; and

(11) describe the process and standards for identifying a specific alternative source of groundwater pollution when the owner or operator of the CCR surface impoundment believes that groundwater contamination on the site is not from the CCR surface impoundment.

(h) Any owner of a CCR surface impoundment that generates CCR and sells or otherwise provides coal combustion byproducts pursuant to Section 3.135 shall, every 12 months, post on its publicly available website a report specifying the volume or weight of CCR, in cubic yards or tons, that it sold or provided during the past 12 months.

(i) The owner of a CCR surface impoundment shall post all closure plans, permit applications, and supporting documentation, as well as any Agency approval of the plans or

applications, on its publicly available website.

(j) The owner or operator of a CCR surface impoundment shall pay the following fees:

(1) An initial fee to the Agency within 6 months after July 30, 2019 (the effective date of Public Act 101-171) of:

$50,000 for each closed CCR surface impoundment; and

$75,000 for each CCR surface impoundment that have not completed closure.

(2) Annual fees to the Agency, beginning on July 1, 2020, of:

$25,000 for each CCR surface impoundment that has not completed closure; and

$15,000 for each CCR surface impoundment that has completed closure, but has not completed post-closure care.

(k) All fees collected by the Agency under subsection (j) shall be deposited into the Environmental Protection Permit and Inspection Fund.

(l) The Coal Combustion Residual Surface Impoundment Financial Assurance Fund is created as a special fund in the State treasury. Any moneys forfeited to the State of Illinois from any performance bond or other security required under this Section shall be placed in the Coal Combustion Residual Surface Impoundment Financial Assurance Fund and shall, upon

approval by the Governor and the Director, be used by the Agency for the purposes for which such performance bond or other security was issued. The Coal Combustion Residual Surface Impoundment Financial Assurance Fund is not subject to the provisions of subsection (c) of Section 5 of the State Finance Act.

(m) The provisions of this Section shall apply, without limitation, to all existing CCR surface impoundments and any CCR surface impoundments constructed after July 30, 2019 (the effective date of Public Act 101-171), except to the extent prohibited by the Illinois or United States Constitutions.
(Source: P.A. 101-171, eff. 7-30-19; 102-16, eff. 6-17-21; 102-137, eff. 7-23-21; 102-309, eff. 8-6-21; 102-558, eff. 8-20-21; 102-662, eff. 9-15-21; 102-813, eff. 5-13-22; revised 8-24-22.)

Section 605. The Illinois Pesticide Act is amended by changing Section 4 as follows:

(415 ILCS 60/4) (from Ch. 5, par. 804)

Sec. 4. Definitions. As used in this Act:

1. "Director" means Director of the Illinois Department of Agriculture or his authorized representative.

2. "Active Ingredient" means any ingredient which will prevent, destroy, repel, control or mitigate a pest or which will act as a plant regulator, defoliant or desiccant.

3. "Adulterated" shall apply to any pesticide if the strength or purity is not within the standard of quality expressed on the labeling under which it is sold, distributed or used, including any substance which has been substituted wholly or in part for the pesticide as specified on the labeling under which it is sold, distributed or used, or if any valuable constituent of the pesticide has been wholly or in part abstracted.

4. "Agricultural Commodity" means produce of the land, including, but not limited to, plants and plant parts, livestock and poultry and livestock or poultry products, seeds, sod, shrubs and other products of agricultural origin including the premises necessary to and used directly in agricultural production. Agricultural commodity also includes aquatic products, including any aquatic plants and animals or their by-products that are produced, grown, managed, harvested and marketed on an annual, semi-annual, biennial or short-term basis, in permitted aquaculture facilities.

5. "Animal" means all vertebrate and invertebrate species including, but not limited to, man and other mammals, birds ~~bird~~, fish, and shellfish.

5.5. "Barrier mosquitocide" means a pesticide that is formulated to kill adult mosquitoes and that is applied so as to leave a residual mosquitocidal coating on natural or manmade surfaces. "Barrier mosquitocide" does not include a product that is exempt from registration under the Federal

Insecticide, Fungicide, and Rodenticide Act, or rules adopted pursuant to that Act.

5.6. "Barrier mosquitocide treatment" means application of a barrier mosquitocide to a natural or manmade surface.

6. "Beneficial Insects" means those insects which during their life cycle are effective pollinators of plants, predators of pests or are otherwise beneficial.

7. "Certified applicator".

A. "Certified applicator" means any individual who is certified under this Act to purchase, use, or supervise the use of pesticides which are classified for restricted use.

B. "Private applicator" means a certified applicator who purchases, uses, or supervises the use of any pesticide classified for restricted use, for the purpose of producing any agricultural commodity on property owned, rented, or otherwise controlled by him or his employer, or applied to other property if done without compensation other than trading of personal services between no more than 2 producers of agricultural commodities.

C. "Licensed Commercial Applicator" means a certified applicator, whether or not he is a private applicator with respect to some uses, who owns or manages a business that is engaged in applying pesticides, whether classified for general or restricted use, for hire. The term also applies to a certified applicator who uses or supervises the use

of pesticides, whether classified for general or restricted use, for any purpose or on property of others excluding those specified by subparagraphs 7 (B), (D), (E) of Section 4 of this Act.

D. "Commercial Not For Hire Applicator" means a certified applicator who uses or supervises the use of pesticides classified for general or restricted use for any purpose on property of an employer when such activity is a requirement of the terms of employment and such application of pesticides under this certification is limited to property under the control of the employer only and includes, but is not limited to, the use or supervision of the use of pesticides in a greenhouse setting. "Commercial Not For Hire Applicator" also includes a certified applicator who uses or supervises the use of pesticides classified for general or restricted use as an employee of a state agency, municipality, or other duly constituted governmental agency or unit.

8. "Defoliant" means any substance or combination of substances which cause leaves or foliage to drop from a plant with or without causing abscission.

9. "Desiccant" means any substance or combination of substances intended for artificially accelerating the drying of plant tissue.

10. "Device" means any instrument or contrivance, other than a firearm or equipment for application of pesticides when

sold separately from pesticides, which is intended for trapping, repelling, destroying, or mitigating any pest, other than bacteria, virus, or other microorganisms on or living in man or other living animals.

11. "Distribute" means offer or hold for sale, sell, barter, ship, deliver for shipment, receive and then deliver, or offer to deliver pesticides, within the State.

12. "Environment" includes water, air, land, and all plants and animals including man, living therein and the interrelationships which exist among these.

13. "Equipment" means any type of instruments and contrivances using motorized, mechanical or pressure power which is used to apply any pesticide, excluding pressurized hand-size household apparatus containing dilute ready to apply pesticide or used to apply household pesticides.

14. "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

15. "Fungi" means any non-chlorophyll bearing thallophytes, any non-chlorophyll bearing plant of a lower order than mosses or liverworts, as for example rust, smut, mildew, mold, yeast and bacteria, except those on or in living animals including man and those on or in processed foods, beverages or pharmaceuticals.

16. "Household Substance" means any pesticide customarily produced and distributed for use by individuals in or about the household.

17. "Imminent Hazard" means a situation which exists when continued use of a pesticide would likely result in unreasonable adverse effects ~~effect~~ on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the U.S. Secretary of the Interior or to species declared to be protected by the Illinois Department of Natural Resources.

18. "Inert Ingredient" means an ingredient which is not an active ingredient.

19. "Ingredient Statement" means a statement of the name and percentage of each active ingredient together with the total percentage of inert ingredients in a pesticide and for pesticides containing arsenic in any form, the ingredient statement shall include percentage of total and water soluble arsenic, each calculated as elemental arsenic. In the case of spray adjuvants the ingredient statement need contain only the names of the functioning agents and the total percent of those constituents ineffective as spray adjuvants.

20. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented for the most part belonging to the class Insects, comprised of six-legged, usually winged forms, as for example beetles, caterpillars, and flies. This definition encompasses other allied classes of arthropods whose members are wingless and usually have more than 6 legs as for example spiders, mites, ticks, centipedes, and millipedes.

21. "Label" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappings.

22. "Labeling" means the label and all other written, printed or graphic matter: (a) on the pesticide or device or any of its containers or wrappings, (b) accompanying the pesticide or device or referring to it in any other media used to disseminate information to the public, (c) to which reference is made to the pesticide or device except when references are made to current official publications of the U. S. Environmental Protection Agency, Departments of Agriculture, Health, Education and Welfare or other Federal Government institutions, the state experiment station or colleges of agriculture or other similar state institution authorized to conduct research in the field of pesticides.

23. "Land" means all land and water area including airspace, and all plants, animals, structures, buildings, contrivances, and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

24. "Licensed Operator" means a person employed to apply pesticides to the lands of others under the direction of a "licensed commercial applicator" or a "licensed commercial not-for-hire applicator".

25. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, also referred to as nemas

or eelworms, which are unsegmented roundworms with elongated fusiform or sac-like bodies covered with cuticle and inhabiting soil, water, plants or plant parts.

26. "Permit" means a written statement issued by the Director or his authorized agent, authorizing certain acts of pesticide purchase or of pesticide use or application on an interim basis prior to normal certification, registration, or licensing.

27. "Person" means any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not.

28. "Pest" means (a) any insect, rodent, nematode, fungus, weed, or (b) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, excluding virus, bacteria, or other microorganism on or in living animals including man, which the Director declares to be a pest.

29. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

30. "Pesticide Dealer" means any person who distributes registered pesticides to the user.

31. "Plant Regulator" means any substance or mixture of substances intended through physiological action to affect the rate of growth or maturation or otherwise alter the behavior

of ornamental or crop plants or the produce thereof. This does not include substances which are not intended as plant nutrient trace elements, nutritional chemicals, plant or seed inoculants or soil conditioners or amendments.

32. "Protect Health and Environment" means to guard against any unreasonable adverse effects on the environment.

33. "Registrant" means a person who has registered any pesticide pursuant to the provision of FIFRA and this Act.

34. "Restricted Use Pesticide" means any pesticide with one or more of its uses classified as restricted by order of the Administrator of USEPA.

35. "SLN Registration" means registration of a pesticide for use under conditions of special local need as defined by FIFRA.

36. "State Restricted Pesticide Use" means any pesticide use which the Director determines, subsequent to public hearing, that an additional restriction for that use is needed to prevent unreasonable adverse effects.

37. "Structural Pest" means any pests which attack and destroy buildings and other structures or which attack clothing, stored food, commodities stored at food manufacturing and processing facilities or manufactured and processed goods.

38. "Unreasonable Adverse Effects on the Environment" means the unreasonable risk to the environment, including man, from the use of any pesticide, when taking into account

accrued benefits of as well as the economic, social, and environmental costs of its use.

39. "USEPA" means United States Environmental Protection Agency.

40. "Use inconsistent with the label" means to use a pesticide in a manner not consistent with the label instruction, the definition adopted in FIFRA as interpreted by USEPA shall apply in Illinois.

41. "Weed" means any plant growing in a place where it is not wanted.

42. "Wildlife" means all living things, not human, domestic, or pests.

43. "Bulk pesticide" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.

44. "Bulk repackaging" means the transfer of a registered pesticide from one bulk container (containing undivided quantities of greater than 100 U.S. gallons liquid measure or 100 pounds net dry weight) to another bulk container (containing undivided quantities of greater than 100 U.S. gallons liquid measure or 100 pounds net dry weight) in an unaltered state in preparation for sale or distribution to another person.

45. "Business" means any individual, partnership, corporation or association engaged in a business operation for

the purpose of selling or distributing pesticides or providing the service of application of pesticides in this State.

46. "Facility" means any building or structure and all real property contiguous thereto, including all equipment fixed thereon used for the operation of the business.

47. "Chemigation" means the application of a pesticide through the systems or equipment employed for the primary purpose of irrigation of land and crops.

48. "Use" means any activity covered by the pesticide label, including, but not limited to, application of pesticide, mixing and loading, storage of pesticides or pesticide containers, disposal of pesticides and pesticide containers and reentry into treated sites or areas.

(Source: P.A. 102-555, eff. 1-1-22; 102-916, eff. 1-1-23; revised 2-5-23.)

Section 610. The Drycleaner Environmental Response Trust Fund Act is amended by changing Section 45 as follows:

(415 ILCS 135/45)

Sec. 45. Insurance account.

(a) The insurance account shall offer financial assurance for a qualified owner or operator of a drycleaning facility under the terms and conditions provided for under this Section. Coverage may be provided to either the owner or the operator of a drycleaning facility. Neither the Agency nor the

Council is required to resolve whether the owner or operator, or both, are responsible for a release under the terms of an agreement between the owner and operator.

(b) The source of funds for the insurance account shall be as follows:

(1) moneys allocated to the insurance account;

(2) moneys collected as an insurance premium, including service fees, if any; and

(3) investment income attributed to the insurance account.

(c) An owner or operator may purchase coverage of up to $500,000 per drycleaning facility subject to the terms and conditions under this Section and those adopted by the Council before July 1, 2020 or by the Board on or after that date. Coverage shall be limited to remedial action costs associated with soil and groundwater contamination resulting from a release of drycleaning solvent at an insured drycleaning facility, including third-party liability for soil and groundwater contamination. Coverage is not provided for a release that occurred before the date of coverage.

(d) An owner or operator, subject to underwriting requirements and terms and conditions deemed necessary and convenient by the Council for periods before July 1, 2020 and subject to terms and conditions deemed necessary and convenient by the Board for periods on or after that date, may purchase insurance coverage from the insurance account

provided that:

(1) a site investigation designed to identify soil and groundwater contamination resulting from the release of a drycleaning solvent has been completed for the drycleaning facility to be insured and the site investigation has been found adequate by the Council before July 1, 2020 or by the Agency on or after that date;

(2) the drycleaning facility is participating in and meets all drycleaning compliance program requirements adopted by the Board pursuant to Section 12 of this Act;

(3) the drycleaning facility to be insured is licensed under Section 60 of this Act and all fees due under that Section have been paid;

(4) the owner or operator of the drycleaning facility to be insured provides proof to the Agency or Council that:

(A) all drycleaning solvent wastes generated at the facility are managed in accordance with applicable State waste management laws and rules;

(B) there is no discharge of wastewater from drycleaning machines, or of drycleaning solvent from drycleaning operations, to a sanitary sewer or septic tank, to the surface, or in groundwater;

(C) the facility has a containment dike or other containment structure around each machine, item of equipment, drycleaning area, and portable waste

container in which any drycleaning solvent is utilized, that is capable of containing leaks, spills, or releases of drycleaning solvent from that machine, item, area, or container, including: (i) 100% of the drycleaning solvent in the largest tank or vessel; (ii) 100% of the drycleaning solvent of each item of drycleaning equipment; and (iii) 100% of the drycleaning solvent of the largest portable waste container or at least 10% of the total volume of the portable waste containers stored within the containment dike or structure, whichever is greater;

(D) those portions of diked floor surfaces at the facility on which a drycleaning solvent may leak, spill, or otherwise be released are sealed or otherwise rendered impervious;

(E) all drycleaning solvent is delivered to the facility by means of closed, direct-coupled delivery systems; and

(F) the drycleaning facility is in compliance with paragraph (2) of this subsection (d) ~~of this Section~~; and

(5) the owner or operator of the drycleaning facility to be insured has paid all insurance premiums for insurance coverage provided under this Section.

Petroleum underground storage tank systems that are in compliance with applicable USEPA and State Fire Marshal rules,

including, but not limited to, leak detection system rules, are exempt from the secondary containment requirement in subparagraph (C) of paragraph (4) ~~(3)~~ of this subsection (d).

(e) The annual premium for insurance coverage shall be:

(1) For the year July 1, 1999 through June 30, 2000, $250 per drycleaning facility.

(2) For the year July 1, 2000 through June 30, 2001, $375 per drycleaning facility.

(3) For the year July 1, 2001 through June 30, 2002, $500 per drycleaning facility.

(4) For the year July 1, 2002 through June 30, 2003, $625 per drycleaning facility.

(5) For each subsequent program year through the program year ending June 30, 2019, an owner or operator applying for coverage shall pay an annual actuarially sound ~~actuarially sound~~ insurance premium for coverage by the insurance account. The Council may approve Fund coverage through the payment of a premium established on an actuarially sound ~~actuarially sound~~ basis, taking into consideration the risk to the insurance account presented by the insured. Risk factor adjustments utilized to determine actuarially sound ~~actuarially sound~~ insurance premiums should reflect the range of risk presented by the variety of drycleaning systems, monitoring systems, drycleaning volume, risk management practices, and other factors as determined by the Council. As used in this

item, "actuarially sound" is not limited to Fund premium revenue equaling or exceeding Fund expenditures for the general drycleaning facility population. Actuarially determined ~~Actuarially-determined~~ premiums shall be published at least 180 days prior to the premiums becoming effective.

(6) For the year July 1, 2020 through June 30, 2021, and for subsequent years through June 30, 2029, $1,500 per drycleaning facility per year.

(7) For July 1, 2029 through January 1, 2030, $750 per drycleaning facility.

(e-5) (Blank).

(e-6) (Blank).

(f) If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium. Until July 1, 2020, the insurance premium is fully earned upon issuance of the insurance policy. Beginning July 1, 2020, coverage first commences for a purchaser only after payment of the full annual premium due for the applicable program year.

(g) Any insurance coverage provided under this Section shall be subject to a $10,000 deductible.

(h) A future repeal of this Section shall not terminate the obligations under this Section or authority necessary to administer the obligations until the obligations are satisfied, including, but not limited to, the payment of claims filed prior to the effective date of any future repeal

against the insurance account until moneys in the account are exhausted. Upon exhaustion of the moneys in the account, any remaining claims shall be invalid. If moneys remain in the account following satisfaction of the obligations under this Section, the remaining moneys in and moneys due to the account shall be deposited in the remedial action account.

(Source: P.A. 101-400, eff. 12-31-19 (See Section 5 of P.A. 101-605 for effective date of P.A. 101-400); 101-605, eff. 12-31-19; revised 6-1-22.)

Section 615. The Illinois Nuclear Safety Preparedness Act is amended by changing Section 8 as follows:

(420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

Sec. 8. (a) The Illinois Nuclear Safety Preparedness Program shall consist of an assessment of the potential nuclear accidents, their radiological consequences, and the necessary protective actions required to mitigate the effects of such accidents. It shall include, but not necessarily be limited to:

(1) Development of a remote effluent monitoring system capable of reliably detecting and quantifying accidental radioactive releases from nuclear power plants to the environment;

(2) Development of an environmental monitoring program for nuclear facilities other than nuclear power plants;

(3) Development of procedures for radiological assessment and radiation exposure control for areas surrounding each nuclear facility in Illinois;

(4) Radiological training of State ~~state~~ and local emergency response personnel in accordance with the Agency's responsibilities under the program;

(5) Participation in the development of accident scenarios and in the exercising of fixed facility nuclear emergency response plans;

(6) Development of mitigative emergency planning standards including, but not limited to, standards pertaining to evacuations, re-entry into evacuated areas, contaminated foodstuffs and contaminated water supplies;

(7) Provision of specialized response equipment necessary to accomplish this task;

(8) Implementation of the Boiler and Pressure Vessel Safety program at nuclear steam-generating facilities as mandated by Section 2005-35 of the Department of Nuclear Safety Law, or its successor statute;

(9) Development and implementation of a plan for inspecting and escorting all shipments of spent nuclear fuel, high-level radioactive waste, transuranic waste, and highway route controlled quantities of radioactive materials in Illinois; ~~and~~

(10) Implementation of the program under the Illinois Nuclear Facility Safety Act; and~~.~~

(11) Development and implementation of a radiochemistry laboratory capable of preparing environmental samples, performing analyses, quantification, and reporting for assessment and radiation exposure control due to accidental radioactive releases from nuclear power plants into the environment.

(b) The Agency may incorporate data collected by the operator of a nuclear facility into the Agency's remote monitoring system.

(c) The owners of each nuclear power reactor in Illinois shall provide the Agency all system status signals which initiate Emergency Action Level Declarations, actuate accident mitigation and provide mitigation verification as directed by the Agency. The Agency shall designate by rule those system status signals that must be provided. Signals providing indication of operating power level shall also be provided. The owners of the nuclear power reactors shall, at their expense, ensure that valid signals will be provided continuously 24 hours a day.

All such signals shall be provided in a manner and at a frequency specified by the Agency for incorporation into and augmentation of the remote effluent monitoring system specified in paragraph (1) of subsection (a) ~~(1)~~ of this Section. Provision shall be made for assuring that such system status and power level signals shall be available to the Agency during reactor operation as well as throughout

accidents and subsequent recovery operations.

For nuclear reactors with operating licenses issued by the Nuclear Regulatory Commission prior to the effective date of this amendatory Act, such system status and power level signals shall be provided to the Department of Nuclear Safety (of which the Agency is the successor) by March 1, 1985. For reactors without such a license on the effective date of this amendatory Act, such signals shall be provided to the Department prior to commencing initial fuel load for such reactor. Nuclear reactors receiving their operating license after September 7, 1984 (the effective date of Public Act 83-1342) ~~this amendatory Act~~, but before July 1, 1985, shall provide such system status and power level signals to the Department of Nuclear Safety (of which the Agency is the successor) by September 1, 1985.

(Source: P.A. 102-133, eff. 7-23-21; revised 8-24-22.)

Section 620. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 8.3, and 9.5 as follows:

(430 ILCS 65/1.1)

Sec. 1.1. For purposes of this Act:

"Addicted to narcotics" means a person who has been:

(1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or

(2) determined by the Illinois State Police to be addicted to narcotics based upon federal law or federal guidelines.

"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

"Adjudicated as a person with a mental disability" means the person is the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

(1) presents a clear and present danger to himself, herself, or to others;

(2) lacks the mental capacity to manage his or her own affairs or is adjudicated a person with a disability as defined in Section 11a-2 of the Probate Act of 1975;

(3) is not guilty in a criminal case by reason of insanity, mental disease or defect;

(3.5) is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections;

(4) is incompetent to stand trial in a criminal case;

(5) is not guilty by reason of lack of mental responsibility under Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b;

(6) is a sexually violent person under subsection (f) of Section 5 of the Sexually Violent Persons Commitment Act;

(7) is a sexually dangerous person under the Sexually Dangerous Persons Act;

(8) is unfit to stand trial under the Juvenile Court Act of 1987;

(9) is not guilty by reason of insanity under the Juvenile Court Act of 1987;

(10) is subject to involuntary admission as an inpatient as defined in Section 1-119 of the Mental Health and Developmental Disabilities Code;

(11) is subject to involuntary admission as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code;

(12) is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental Disabilities Code; or

(13) is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act.

"Clear and present danger" means a person who:

(1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or

(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

"Clinical psychologist" has the meaning provided in Section 1-103 of the Mental Health and Developmental Disabilities Code.

"Controlled substance" means a controlled substance or controlled substance analog as defined in the Illinois Controlled Substances Act.

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Developmental disability" means a severe, chronic disability of an individual that:

(1) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) is manifested before the individual attains age 22;

(3) is likely to continue indefinitely;

(4) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(A) Self-care.

(B) Receptive and expressive language.

(C) Learning.

(D) Mobility.

(E) Self-direction.

(F) Capacity for independent living.

(G) Economic self-sufficiency; and

(5) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;

(1.1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;

(2) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud

cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Illinois State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an

event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section. Nothing in this definition shall be construed to exclude a gun show held in conjunction with competitive shooting events at the World Shooting Complex sanctioned by a national governing body in which the sale or transfer of firearms is authorized under subparagraph (5) of paragraph (g) of subsection (A) of Section 24-3 of the Criminal Code of 2012.

Unless otherwise expressly stated, "gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Intellectual disability" means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which is defined as before the age of

22, that adversely affects a child's educational performance.

"Involuntarily admitted" has the meaning as prescribed in Sections 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code.

"Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof which provides treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"National governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

"Noncitizen" means a person who is not a citizen of the United States, but is a person who is a foreign-born person who lives in the United States, has not been naturalized, and is still a citizen of a foreign country.

"Patient" means:

(1) a person who is admitted as an inpatient or resident of a public or private mental health facility for mental health treatment under Chapter III of the Mental

Health and Developmental Disabilities Code as an informal admission, a voluntary admission, a minor admission, an emergency admission, or an involuntary admission, unless the treatment was solely for an alcohol abuse disorder; or

(2) a person who voluntarily or involuntarily receives mental health treatment as an out-patient or is otherwise provided services by a public or private mental health facility and who poses a clear and present danger to himself, herself, or others.

"Physician" has the meaning as defined in Section 1-120 of the Mental Health and Developmental Disabilities Code.

"Protective order" means any orders of protection issued under the Illinois Domestic Violence Act of 1986, stalking no contact orders issued under the Stalking No Contact Order Act, civil no contact orders issued under the Civil No Contact Order Act, and firearms restraining orders issued under the Firearms Restraining Order Act or a substantially similar order issued by the court of another state, tribe, or United States territory or military tribunal.

"Qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"School administrator" means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 2012.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff. 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

(430 ILCS 65/8.3)

Sec. 8.3. Suspension of Firearm Owner's Identification Card. The Illinois State Police may suspend the Firearm Owner's Identification Card of a person whose Firearm Owner's Identification Card is subject to revocation and seizure under this Act for the duration of the disqualification if the disqualification is not a permanent ground ~~grounds~~ for revocation of a Firearm Owner's Identification Card under this Act. The Illinois State Police may adopt rules necessary to implement this Section.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; revised 8-24-22.)

(430 ILCS 65/9.5)

Sec. 9.5. Revocation of Firearm Owner's Identification Card.

(a) A person who receives a revocation notice under

Section 9 of this Act shall, within 48 hours of receiving notice of the revocation:

(1) surrender his or her Firearm Owner's Identification Card to the local law enforcement agency where the person resides or to the Illinois State Police; and

(2) complete a Firearm Disposition Record on a form prescribed by the Illinois State Police and place his or her firearms in the location or with the person reported in the Firearm Disposition Record. The form shall require the person to disclose:

(A) the make, model, and serial number of each firearm owned by or under the custody and control of the revoked person;

(B) the location where each firearm will be maintained during the prohibited term;

(C) if any firearm will be transferred to the custody of another person, the name, address and Firearm Owner's Identification Card number of the transferee; and

(D) to whom his or her Firearm Owner's Identification Card was surrendered.

Once completed, the person shall retain a copy and provide a copy of the Firearm Disposition Record to the Illinois State Police.

(b) Upon confirming through the portal created under

Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois that the Firearm Owner's Identification Card has been revoked by the Illinois State Police, surrendered cards shall be destroyed by the law enforcement agency receiving the cards. If a card has not been revoked, the card shall be returned to the cardholder.

(b-5) If a court orders the surrender of a Firearm ~~Firearms~~ Owner's Identification Card and accepts receipt of the Card, the court shall destroy the Card and direct the person whose Firearm Owner's Identification Card has been surrendered to comply with paragraph (2) of subsection (a).

(b-10) If the person whose Firearm Owner's Identification Card has been revoked has either lost or destroyed the Card, the person must still comply with paragraph (2) of subsection (a).

(b-15) A notation shall be made in the portal created under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois that the revoked Firearm Owner's Identification Card has been destroyed.

(c) If the person whose Firearm Owner's Identification Card has been revoked fails to comply with the requirements of this Section, the sheriff or law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the Firearm Owner's Identification Card and firearms in the possession or under the custody or control of the person whose Firearm Owner's

Identification Card has been revoked.

(d) A violation of subsection (a) of this Section is a Class A misdemeanor.

(e) The observation of a Firearm Owner's Identification Card in the possession of a person whose Firearm Owner's Identification Card has been revoked constitutes a sufficient basis for the arrest of that person for violation of this Section.

(f) Within 30 days after July 9, 2013 (the effective date of Public Act 98-63), the Illinois State Police shall provide written notice of the requirements of this Section to persons whose Firearm Owner's Identification Cards have been revoked, suspended, or expired and who have failed to surrender their cards to the Illinois State Police.

(g) A person whose Firearm Owner's Identification Card has been revoked and who received notice under subsection (f) shall comply with the requirements of this Section within 48 hours of receiving notice.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; revised 8-24-22.)

Section 625. The Lake Michigan Rescue Equipment Act is amended by changing Section 25 as follows:

(430 ILCS 175/25)

(This Section may contain text from a Public Act with a

delayed effective date)

Sec. 25. High-incident drowning area plans. Within one year after an owner's property becomes ~~becoming~~ a high-incident drowning area, the owner shall update and disseminate a water safety plan as well as upgrade installed safety equipment as needed, which may include, but is not limited to, installing equipment that automatically contacts 9-1-1 or other safety improvements.

(Source: P.A. 102-1036, eff. 6-2-23; revised 8-24-22.)

Section 630. The Herptiles-Herps Act is amended by changing Section 100-10 as follows:

(510 ILCS 68/100-10)

Sec. 100-10. Search and seizure. Whenever any authorized employee of the Department, sheriff, deputy sheriff, or other peace officer ~~office~~ of the State has reason to believe that any person, owner, possessor, commercial institution, pet store, or reptile show vendor or attendee possesses any herptile or any part or parts of a herptile contrary to the provisions of this Act, including administrative rules, he or she may file, or cause to be filed, a sworn complaint to that effect before the circuit court and procure and execute a search warrant. Upon execution of the search warrant, the officer executing the search warrant shall make due return of the search warrant to the court issuing the search warrant,

together with an inventory of all the herptiles or any part or parts of a herptile taken under the search warrant. The court shall then issue process against the party owning, controlling, or transporting the herptile or any part of a herptile seized, and upon its return shall proceed to determine whether or not the herptile or any part or parts of a herptile were held, possessed, or transported in violation of this Act, including administrative rules. In case of a finding that a herptile was illegally held, possessed, transported, or sold, a judgment shall be entered against the owner or party found in possession of the herptile or any part or parts of a herptile for the costs of the proceeding and providing for the disposition of the property seized, as provided for by this Act.

(Source: P.A. 102-315, eff. 1-1-22; revised 2-28-22.)

Section 635. The Fish and Aquatic Life Code is amended by changing Section 20-45 as follows:

(515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

Sec. 20-45. License fees for residents. Fees for licenses for residents of the State of Illinois shall be as follows:

(a) Except as otherwise provided in this Section, for sport fishing devices as defined in Section 10-95 or spearing devices as defined in Section 10-110, the fee is $14.50 for individuals 16 to 64 years old, one-half of the

current fishing license fee for individuals age 65 or older, and, commencing with the 2012 license year, one-half of the current fishing license fee for resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States as an active duty member of the United States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces. Veterans must provide to the Department acceptable verification of their service. The Department shall establish by administrative rule the procedure by which such verification of service shall be made to the Department for the purpose of issuing fishing licenses to resident veterans at a reduced fee.

(a-5) The fee for all sport fishing licenses shall be $1 for residents over 75 years of age.

(b) All residents before using any commercial fishing device shall obtain a commercial fishing license, the fee for which shall be $60 and a resident fishing license, the fee for which is $14.50. Each and every commercial device used shall be licensed by a resident commercial fisherman as follows:

(1) For each 100 lineal yards, or fraction thereof, of seine the fee is $18. For each minnow seine, minnow trap, or net for commercial purposes the fee is $20.

(2) For each device to fish with a 100 hook trot

line device, basket trap, hoop net, or dip net the fee is $3.

(3) When used in the waters of Lake Michigan, for the first 2000 lineal feet, or fraction thereof, of gill net the fee is $10; and for each 1000 additional lineal feet, or fraction thereof, the fee is $10. These fees shall apply to all gill nets in use in the water or on drying reels on the shore.

(4) For each 100 lineal yards, or fraction thereof, of gill net or trammel net the fee is $18.

(c) Residents of the State of Illinois may obtain a sportsmen's combination license that shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in subsection (a) of this Section and to the same hunting privileges as residents holding a license to hunt all species as described in Section 3.1 of the Wildlife Code. No sportsmen's combination license shall be issued to any individual who would be ineligible for either the fishing or hunting license separately. The sportsmen's combination license fee shall be $25.50. For residents age 65 or older, the fee is one-half of the fee charged for a sportsmen's combination license. For resident veterans of the United States Armed Forces after returning from service abroad or mobilization by the President of the United States as an active duty member of the United

States Armed Forces, the Illinois National Guard, or the Reserves of the United States Armed Forces, the fee, commencing with the 2012 license year, is one-half of the fee charged for a sportsmen's combination license. Veterans must provide to the Department acceptable verification of their service. The Department shall establish by administrative rule the procedure by which such verification of service shall be made to the Department for the purpose of issuing sportsmen's combination licenses to resident veterans at a reduced fee.

(d) For 24 hours of fishing by sport fishing devices as defined in Section 10-95 or by spearing devices as defined in Section 10-110 the fee is $5. This license does not exempt the licensee from the requirement for a salmon or inland trout stamp. The licenses provided for by this subsection are not required for residents of the State of Illinois who have obtained the license provided for in subsection (a) of this Section.

(e) All residents before using any commercial mussel device shall obtain a commercial mussel license, the fee for which shall be $50.

(f) Residents of this State, upon establishing residency as required by the Department, may obtain a lifetime hunting or fishing license or lifetime sportsmen's combination license which shall entitle the

holder to the same non-commercial fishing privileges as residents holding a license as described in paragraph (a) of this Section and to the same hunting privileges as residents holding a license to hunt all species as described in Section 3.1 of the Wildlife Code. No lifetime sportsmen's combination license shall be issued to or retained by any individual who would be ineligible for either the fishing or hunting license separately, either upon issuance, or in any year a violation would subject an individual to have either or both fishing or hunting privileges rescinded. The lifetime hunting and fishing license fees shall be as follows:

(1) Lifetime fishing: 30 x the current fishing license fee.

(2) Lifetime hunting: 30 x the current hunting license fee.

(3) Lifetime sportsmen's combination license: 30 x the current sportsmen's combination license fee.

Lifetime licenses shall not be refundable. A $10 fee shall be charged for reissuing any lifetime license. The Department may establish rules and regulations for the issuance and use of lifetime licenses and may suspend or revoke any lifetime license issued under this Section for violations of those rules or regulations or other provisions under this Code or~~,~~ the Wildlife Code, or a violation of the United States Code that involves the taking, possessing, killing, harvesting,

transportation, selling, exporting, or importing any fish or aquatic life protected by this Code or the taking, possessing, killing, harvesting, transportation, selling, exporting, or importing any fauna protected by the Wildlife Code when any part of the United States Code violation occurred in Illinois. Individuals under 16 years of age who possess a lifetime hunting or sportsmen's combination license shall have in their possession, while in the field, a certificate of competency as required under Section 3.2 of the Wildlife Code. Any lifetime license issued under this Section shall not exempt individuals from obtaining additional stamps or permits required under the provisions of this Code or the Wildlife Code. Individuals required to purchase additional stamps shall sign the stamps and have them in their possession while fishing or hunting with a lifetime license. All fees received from the issuance of lifetime licenses shall be deposited in the Fish and Wildlife Endowment Fund.

Except for licenses issued under subsection (e) of this Section, all licenses provided for in this Section shall expire on March 31 of each year, except that the license provided for in subsection (d) of this Section shall expire 24 hours after the effective date and time listed on the face of the license.

All individuals required to have and failing to have the license provided for in subsection (a) or (d) of this Section shall be fined according to the provisions of Section 20-35 of

this Code.

All individuals required to have and failing to have the licenses provided for in subsections (b) and (e) of this Section shall be guilty of a Class B misdemeanor.

(g) For the purposes of this Section, "acceptable verification" means official documentation from the Department of Defense or the appropriate Major Command showing mobilization dates or service abroad dates, including: (i) a DD-214, (ii) a letter from the Illinois Department of Military Affairs for members of the Illinois National Guard, (iii) a letter from the Regional Reserve Command for members of the Armed Forces Reserve, (iv) a letter from the Major Command covering Illinois for active duty members, (v) personnel records for mobilized State employees, and (vi) any other documentation that the Department, by administrative rule, deems acceptable to establish dates of mobilization or service abroad.

For the purposes of this Section, the term "service abroad" means active duty service outside of the 50 United States and the District of Columbia, and includes all active duty service in territories and possessions of the United States.

(Source: P.A. 102-780, eff. 5-13-22; 102-837, eff. 5-13-22; revised 7-26-22.)

Section 640. The Wildlife Code is amended by changing

Sections 1.2t and 2.33 as follows:

(520 ILCS 5/1.2t) (from Ch. 61, par. 1.2t)

Sec. 1.2t. "Wildlife" means any bird or mammal that is ~~are~~ by nature wild by way of distinction from a bird or mammal ~~those~~ that is ~~are~~ naturally tame and is ~~are~~ ordinarily living unconfined in a state of nature without the care of man.

(Source: P.A. 97-431, eff. 8-16-11; revised 6-1-22.)

(520 ILCS 5/2.33)

Sec. 2.33. Prohibitions.

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which

ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks, or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals, or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush, or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle, conveyance, or unmanned aircraft as defined by the Illinois Aeronautics Act, except as permitted by the Code of Federal Regulations for the taking of waterfowl; except that nothing in this subsection shall prohibit the use of unmanned aircraft in the inspection of a public utility facility, tower, or structure or a mobile service facility, tower, or structure by a public utility, as defined in Section 3-105 of the Public Utilities Act, or a provider of mobile services as defined in Section 153 of Title 47 of the United States Code. It is also unlawful to use the lights of any vehicle or conveyance, any light connected to any vehicle or conveyance, or any other lighting device or mechanism from inside or on a vehicle or conveyance in any area

where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. For purposes of this Section, any other lighting device or mechanism shall include, but not be limited to, any device that uses infrared or other light not visible to the naked eye, electronic image intensification, active illumination, thermal imaging, or night vision. Striped skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26 and other species as provided for by subsection (l) or administrative rule.

(l) It is unlawful to take any species of wild game, except white-tailed deer and fur-bearing mammals, with a shotgun loaded with slugs unless otherwise provided for by

administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one-piece ~~one piece~~ plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance, or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only~~,~~ may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable unless in accordance with the Firearm Concealed Carry Act.

(o) (Blank).

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver, or air rifle.

(q) It is unlawful to fire a rifle, pistol, revolver, or air rifle on, over, or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to take or attempt to take any species of wildlife or parts thereof, or allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, or to knowingly shoot a gun or bow and arrow device at any wildlife physically on or flying over the property of another without first obtaining permission from the owner or the owner's designee. For the purposes of this Section, the owner's designee means anyone who the owner designates in a written authorization and the authorization must contain (i) the legal or common description of property for <u>which</u> such authority is given, (ii) the extent that the owner's designee is authorized to make decisions regarding who is allowed to take or attempt to take any species of wildlife or parts thereof, and (iii) the

owner's notarized signature. Before enforcing this Section, the law enforcement officer must have received notice from the owner or the owner's designee of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or providing outfitting services under a waterfowl outfitter permit, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on federally owned and managed lands and on Department owned, managed, leased, or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to allow his or her dog to pursue, harass, or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with

a dog in accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one-half ~~one half~~ hour after sunset and one-half ~~one half~~ hour before sunrise, except that hunting hours between one-half ~~one half~~ hour after sunset and one-half ~~one half~~ hour before sunrise may be established by administrative rule for fur-bearing mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using

shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting~~,~~ while hunting fur-bearing mammals, excluding coyotes. However, coyotes may not be hunted utilizing these devices during open season for deer except by properly licensed deer hunters.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive except as provided by administrative rule.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Sections 2.25 and 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color or solid blaze pink color, with such articles of clothing displaying a

minimum of 400 square inches of blaze orange or solid blaze pink color material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color or solid blaze pink color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail, and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a bag limit without making a reasonable effort to retrieve such species and include such in the bag limit. It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game, except this shall not apply to wildlife taken under Sections 2.37 or 3.22 of this Code. For purposes of this subsection, "usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private property, including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36, and 3.21.

(jj) (Blank).

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other persons with disabilities who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(nn) It shall be unlawful to possess any species of

wildlife or wildlife parts taken unlawfully in Illinois, any other state, or any other country, whether or not the wildlife or wildlife parts are ~~is~~ indigenous to Illinois. For the purposes of this subsection, the statute of limitations for unlawful possession of wildlife or wildlife parts shall not cease until 2 years after the possession has permanently ended.

(oo) It is unlawful while deer hunting:

(1) to possess or be in close proximity to a rifle that is not centerfire; or

(2) to be in possession of or in close proximity to a magazine that is capable of making a rifle not a single shot.

(Source: P.A. 102-237, eff. 1-1-22; 102-837, eff. 5-13-22; 102-932, eff. 1-1-23; revised 12-14-22.)

Section 645. The Wildlife Habitat Management Areas Act is amended by changing Section 20 as follows:

(520 ILCS 20/20) (from Ch. 61, par. 237)

Sec. 20. In connection with their official duties, it is lawful for any member of the Department, or any employee ~~employe~~ or duly appointed agent thereof, to go upon a Wildlife Habitat Management Area, restricted or open, at any time of the year with or without firearms, traps, or dogs.

(Source: Laws 1961, p. 2296; revised 8-22-22.)

Section 650. The Illinois Highway Code is amended by changing Section 2-201 as follows:

(605 ILCS 5/2-201) (from Ch. 121, par. 2-201)

Sec. 2-201. The terms used in this Code shall, for the purposes of this Code, have the meanings ascribed to them in this Division of this Article, except when the context otherwise requires.

(Source: Laws 1959, p. 196; revised 2-28-22.)

Section 655. The Expressway Camera Act is amended by changing Section 5 as follows:

(605 ILCS 140/5)

(Section scheduled to be repealed on July 1, 2025)

Sec. 5. Camera program.

(a) The Illinois State Police, the Illinois Department of Transportation, and the Illinois State Toll Highway Authority shall work together to conduct a program to increase the amount of cameras along (i) expressways and the State highway system in the counties of Boone, Bureau, Champaign, Cook, DeKalb, DuPage, Grundy, Henry, Kane, Kendall, Lake, LaSalle, Macon, Madison, McHenry, Morgan, Peoria, Rock Island, Sangamon, St. Clair, Will, and Winnebago and (ii) Jean-Baptiste Pointe DuSable Lake Shore Drive in Cook County.

Within 90 days after June 3, 2022 (the effective date of Public Act 102-1042) ~~this amendatory Act of the 102nd General Assembly~~, details about the program objectives, counties where the program is operational, and policies under which the program operates shall be made publicly available and posted online.

(b) Images from the cameras may be extracted by any authorized user and used by any municipal police department, county sheriff's office, State Police officer, or other law enforcement agency with jurisdiction in the investigation of any offenses involving vehicular hijacking, aggravated vehicular hijacking, terrorism, motor vehicle theft, or any forcible felony, including, but not limited to, offenses involving the use of a firearm; to detect expressway hazards and highway conditions; and to facilitate highway safety and incident management. Images from the cameras shall not be used to enforce petty offenses or offenses not listed in this subsection, unless use of the images pertains to expressway or highway safety or hazards. Images from the cameras may be used by any law enforcement agency conducting an active law enforcement investigation. All images from the cameras shall be deleted within 120 days, unless the images are relevant to an ongoing investigation or pending criminal trial. Cameras shall not be used to monitor individuals or groups in a discriminatory manner contrary to applicable State or federal law.

(b-5) By June 30th of each year, the Illinois State Police, the Illinois Department of Transportation, and the Illinois State Toll Highway Authority shall issue a joint report to the General Assembly detailing the program operations, including, but not limited to:

(1) the cost of installation of cameras by county;

(2) the cost of ongoing maintenance of the camera systems per county, including electrical costs and data transfer costs;

(3) the number of inquiries where the investigation involved the criminal offenses outlined in subsection (b); and

(4) the number of incidents in which law enforcement searched the stored data for the criminal offenses outlined in subsection (b).

(c) Subject to appropriation, any funds needed to conduct the program for use on the expressways or State highway system under the jurisdiction of the Department of Transportation shall be taken from the Road Fund and shall be included in requests for qualification processes. Any funds needed to conduct the program for use on expressways under the jurisdiction of the Illinois State Toll Highway Authority shall be paid for by funds from the Illinois State Tollway Highway Authority and shall be included in requests for qualification processes.

(c-5) Any forcible felony, gunrunning, or firearms

trafficking offense, as defined in Section 2-8, 24-3a, or 24-3b of the Criminal Code of 2012, respectively, committed on an expressway monitored by a camera system funded by money from the Road Fund and investigated by officers of the Illinois State Police may be prosecuted by the Attorney General or the State's Attorney where the offense was committed.

(d) (Blank).

(Source: P.A. 101-42, eff. 1-1-20; 102-1042, eff. 6-3-22; 102-1043, eff. 6-3-22; revised 7-26-22.)

Section 660. The Railroad Incorporation Act is amended by changing Section 13a as follows:

(610 ILCS 5/13a) (from Ch. 114, par. 13a)

Sec. 13a. Any railroad corporation may, with the consent of the stockholders hereinafter stated, issue and sell, subject, however, to the provisions of the Illinois Securities Law and amendments thereto, under such restrictions and terms and for such consideration as the stockholders shall authorize, any part or all of its unissued stock, or additional stock authorized pursuant to the provisions of this Act, to employees ~~employes~~ of the corporation or of any subsidiary corporation, without first offering such stock for subscription to its stockholders. Such consent and authorization may be given at any annual or special meeting of

the stockholders by the affirmative vote of two-thirds in amount of all the shares of stock outstanding and entitled to vote. If any stockholder not voting in favor of said issue and sale of stock to employees ~~employes~~, so desires, he may, at such meeting, or within twenty days thereafter, object thereto in writing, to be filed with the secretary of the corporation, and demand payment for the stock then held by him, in which case such stockholder or the corporation may at any time within sixty days after such meeting file a petition in the Circuit Court of the county in which the principal office of the corporation is located, asking for a finding and determination of the fair value of his shares of stock at the date of such stockholders' meeting.

The same procedure shall be followed upon the filing of such a petition, as near as may be, as is provided for other cases where a stockholder, who objects to a certain action of a corporation, is permitted to have the value of his stock fixed by the Circuit Court and is given the power to compel the corporation to buy the stock at that price. The value of such shares of stock at such date shall be their market value in case the stock of such corporation is listed upon any exchange. Upon payment by the corporation of the value of such shares of stock so determined, such stockholder shall cease to have any interest in such shares or in the property of the corporation and his shares of stock shall be transferred to and may be held and disposed of by the corporation as it shall

see fit. The corporation shall be liable for and shall pay to any such objecting stockholder the value of his shares of stock so determined.

(Source: Laws 1925, p. 513; revised 8-22-22.)

Section 665. The Illinois Vehicle Code is amended by changing Sections 4-203, 5-101.1, 6-107, 6-206, 6-514, 7-328, 7-329, 11-208.6, 11-208.9, 11-506, 11-605, and 12-215 as follows:

(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

(Text of Section before amendment by P.A. 102-982)

Sec. 4-203. Removal of motor vehicles or other vehicles; towing or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district <u>for</u> 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law

enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that

other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or

removal, and the make, model, color, and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half ~~one half~~ the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers, or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved

or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

a. Except as otherwise provided in subparagraph a.1 of this subdivision (f)5, the notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this subdivision (f)5, the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section. The towing and storage charges, however, shall not exceed the maximum allowed by the Illinois Commerce Commission under Section 18a-200.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed

at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

9.5. Except as authorized by a law enforcement officer, no towing service shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate by operating the vehicle under its own power on a highway.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner, custodian, agent, or lienholder within one-half ~~one half~~ hour after requested, if such request is made during business hours. Any vehicle owner, custodian, agent, or lienholder shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other

legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost of ~~or~~ removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft, or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C

misdemeanor and shall be fined not less than $100 nor more than $500.

(g)(1) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code or Section 5-12002.1 of the Counties Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

(2) When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

(3) Vehicles removed from public or private property and stored by a commercial vehicle relocator or any other towing service authorized by a law enforcement agency in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those

authorized by this Code. Every such lien shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle.

(4) Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: child restraint systems as defined in Section 4 of the Child Passenger Protection Act and other child booster seats; eyeglasses; food; medicine; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks; and any personal property belonging to a person other than the vehicle owner if that person provides adequate proof that the personal property belongs to that person. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property excepted under this paragraph (4) if the person claiming the personal property provides the commercial vehicle relocator or towing service with the authorization of the vehicle owner.

(5) This paragraph (5) applies only in the case of a vehicle that is towed as a result of being involved in an accident. In addition to the personal property excepted under paragraph (4), all other personal property in a vehicle

subject to a lien under this subsection (g) is exempt from that lien and may be claimed by the vehicle owner if the vehicle owner provides the commercial vehicle relocator or towing service with proof that the vehicle owner has an insurance policy covering towing and storage fees. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property in a vehicle subject to a lien under this subsection (g) if the person claiming the personal property provides the commercial vehicle relocator or towing service with the authorization of the vehicle owner and proof that the vehicle owner has an insurance policy covering towing and storage fees. The regulation of liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in an accident are exclusive powers and functions of the State. A home rule unit may not regulate liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in an accident. This paragraph (5) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(6) No lien under this subsection (g) shall: exceed $2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Code.

(h) Whenever a peace officer issues a citation to a driver for a violation of subsection (a) of Section 11-506 of this

Code, the arresting officer may have the vehicle which the person was operating at the time of the arrest impounded for a period of 5 days after the time of arrest. An impounding agency shall release a motor vehicle impounded under this subsection (h) to the registered owner of the vehicle under any of the following circumstances:

(1) if ~~If~~ the vehicle is a stolen vehicle; or

(2) if ~~If~~ the person ticketed for a violation of subsection (a) of Section 11-506 of this Code was not authorized by the registered owner of the vehicle to operate the vehicle at the time of the violation; or

(3) if ~~If~~ the registered owner of the vehicle was neither the driver nor a passenger in the vehicle at the time of the violation or was unaware that the driver was using the vehicle to engage in street racing; or

(4) if ~~If~~ the legal owner or registered owner of the vehicle is a rental car agency; or

(5) if ~~If~~, prior to the expiration of the impoundment period specified above, the citation is dismissed or the defendant is found not guilty of the offense.

(i) Except for vehicles exempted under subsection (b) of Section 7-601 of this Code, whenever a law enforcement officer issues a citation to a driver for a violation of Section 3-707 of this Code, and the driver has a prior conviction for a violation of Section 3-707 of this Code in the past 12 months, the arresting officer shall authorize the removal and

impoundment of the vehicle by a towing service.
(Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17; 100-537, eff. 6-1-18; 100-863, eff. 8-14-18; revised 8-26-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 4-203. Removal of motor vehicles or other vehicles; towing or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district for 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized

by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by

operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this

State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color, and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the

vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half ~~one half~~ the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers, or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

a. Except as otherwise provided in subparagraph a.1 of this subdivision (f)5, the notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this subdivision (f)5, the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property

for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section. The towing and storage charges, however, shall not exceed the maximum allowed by the Illinois Commerce Commission under Section 18a-200.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or

firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

9.5. Except as authorized by a law enforcement officer, no towing service shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate by operating the vehicle under its own power on a highway.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner, custodian, agent, or lienholder within one-half ~~one half~~ hour after requested, if such request is made during business hours. Any vehicle owner, custodian, agent, or lienholder shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency

vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost of ~~or~~ removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft, or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than $100 nor more than $500.

(g)(1) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code or Section 5-12002.1 of the Counties Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate

jurisdiction.

(2) When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

(3) Vehicles removed from public or private property and stored by a commercial vehicle relocator or any other towing service authorized by a law enforcement agency in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Code. Every such lien shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle.

(4) Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: child

restraint systems as defined in Section 4 of the Child Passenger Protection Act and other child booster seats; eyeglasses; food; medicine; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks; and any personal property belonging to a person other than the vehicle owner if that person provides adequate proof that the personal property belongs to that person. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property excepted under this paragraph (4) if the person claiming the personal property provides the commercial vehicle relocator or towing service with the authorization of the vehicle owner.

(5) This paragraph (5) applies only in the case of a vehicle that is towed as a result of being involved in a crash. In addition to the personal property excepted under paragraph (4), all other personal property in a vehicle subject to a lien under this subsection (g) is exempt from that lien and may be claimed by the vehicle owner if the vehicle owner provides the commercial vehicle relocator or towing service with proof that the vehicle owner has an insurance policy covering towing and storage fees. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property in a vehicle subject to a lien under this subsection (g) if the

person claiming the personal property provides the commercial vehicle relocator or towing service with the authorization of the vehicle owner and proof that the vehicle owner has an insurance policy covering towing and storage fees. The regulation of liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in a crash are exclusive powers and functions of the State. A home rule unit may not regulate liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in a crash. This paragraph (5) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(6) No lien under this subsection (g) shall: exceed $2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Code.

(h) Whenever a peace officer issues a citation to a driver for a violation of subsection (a) of Section 11-506 of this Code, the arresting officer may have the vehicle which the person was operating at the time of the arrest impounded for a period of 5 days after the time of arrest. An impounding agency shall release a motor vehicle impounded under this subsection (h) to the registered owner of the vehicle under any of the following circumstances:

(1) <u>if</u> ~~If~~ the vehicle is a stolen vehicle; or

(2) if ~~If~~ the person ticketed for a violation of subsection (a) of Section 11-506 of this Code was not authorized by the registered owner of the vehicle to operate the vehicle at the time of the violation; or

(3) if ~~If~~ the registered owner of the vehicle was neither the driver nor a passenger in the vehicle at the time of the violation or was unaware that the driver was using the vehicle to engage in street racing; or

(4) if ~~If~~ the legal owner or registered owner of the vehicle is a rental car agency; or

(5) if ~~If~~, prior to the expiration of the impoundment period specified above, the citation is dismissed or the defendant is found not guilty of the offense.

(i) Except for vehicles exempted under subsection (b) of Section 7-601 of this Code, whenever a law enforcement officer issues a citation to a driver for a violation of Section 3-707 of this Code, and the driver has a prior conviction for a violation of Section 3-707 of this Code in the past 12 months, the arresting officer shall authorize the removal and impoundment of the vehicle by a towing service.

(Source: P.A. 102-982, eff. 7-1-23; revised 8-26-22.)

(625 ILCS 5/5-101.1)

(Text of Section before amendment by P.A. 102-982)

Sec. 5-101.1. Motor vehicle financing affiliates; licensing.

(a) In this State, no business shall engage in the business of a motor vehicle financing affiliate without a license to do so in writing from the Secretary of State.

(b) An application for a motor vehicle financing affiliate's license must be filed with the Secretary of State, duly verified by oath, on a form prescribed by the Secretary of State and shall contain all of the following:

(1) The name and type of business organization of the applicant and the applicant's established place of business and any additional places of business in this State.

(2) The name and address of the licensed new or used vehicle dealer to which the applicant will be selling, transferring, or assigning new or used motor vehicles pursuant to a written contract. If more than one dealer is on the application, the applicant shall state in writing the basis of common ownership among the dealers.

(3) A list of the business organization's officers, directors, members, and shareholders having a 10% or greater ownership interest in the business, providing the residential address for each person listed.

(4) If selling, transferring, or assigning new motor vehicles, the make or makes of new vehicles that it will sell, assign, or otherwise transfer to the contracting new motor vehicle dealer listed on the application pursuant to paragraph (2).

(5) The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of new vehicles and a signed statement from each manufacturer or franchised distributor acknowledging the contract.

(6) A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. This requirement does not apply to a motor vehicle financing affiliate that is already licensed with the Secretary of State and is applying for a renewal of its license.

(7) A statement that the applicant has complied with the appropriate liability insurance requirement and a Certificate of Insurance that shall not expire before December 31 of the year for which the license was issued or renewed with a minimum liability coverage of $100,000 for the bodily injury or death of any person, $300,000 for the bodily injury or death of 2 or more persons in any one accident, and $50,000 for damage to property. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from the requirements of this paragraph. A motor vehicle financing affiliate is exempt from the requirements of this paragraph if it is covered by the insurance policy of the new or used dealer listed on

the application pursuant to paragraph (2).

(8) A license fee of $1,000 for the applicant's established place of business and $250 for each additional place of business, if any, to which the application pertains. However, if the application is made after June 15 of any year, the license fee shall be $500 for the applicant's established place of business and $125 for each additional place of business, if any, to which the application pertains. These license fees shall be returnable only in the event that the application is denied by the Secretary of State.

(9) A statement incorporating the requirements of paragraphs 8 and 9 of subsection (b) of Section 5-101.

(10) Any other information concerning the business of the applicant as the Secretary of State may prescribe.

(11) A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(12) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any information contained in any application for a motor vehicle financing affiliate's license shall be amended within 30 days after the occurrence of the change on a form prescribed by the Secretary of State, accompanied by an amendatory fee of $2.

(d) If a new vehicle dealer is not listed on the application, pursuant to paragraph (2) of subsection (b), the motor vehicle financing affiliate shall not receive, possess, or transfer any new vehicle. If a new motor vehicle dealer is listed on the application, pursuant to paragraph (2) of subsection (b), the new motor vehicle dealer can only receive those new cars it is permitted to receive under its franchise agreement. If both a new and used motor vehicle dealer are listed on the application, pursuant to paragraph (2) of subsection (b), only the new motor vehicle dealer may receive new motor vehicles. If a used motor vehicle is listed on the application, pursuant to paragraph (2) of subsection (b), the used motor vehicle dealer shall not receive any new motor vehicles.

(e) The applicant and dealer provided pursuant to paragraph (2) of subsection (b) must be business organizations registered to conduct business in Illinois. Three-fourths of the dealer's board of directors must be members of the motor vehicle financing affiliate's board of directors, if applicable.

(f) Unless otherwise provided in this Chapter 5, no business organization registered to do business in Illinois shall be licensed as a motor vehicle financing affiliate unless:

(1) The motor vehicle financing affiliate shall only sell, transfer, or assign motor vehicles to the licensed

new or used dealer listed on the application pursuant to paragraph (2) of subsection (b).

(2) The motor vehicle financing affiliate sells, transfers, or assigns to the new motor vehicle dealer listed on the application, if any, only those new motor vehicles the motor vehicle financing affiliate has received under the contract set forth in paragraph (5) of subsection (b).

(3) Any new vehicle dealer listed pursuant to paragraph (2) of subsection (b) has a franchise agreement that permits the dealer to receive motor vehicles from the motor vehicle franchise affiliate.

(4) The new or used motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b) has one established place of business or supplemental places of business as referenced in subsection (g).

(g) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted pursuant to this Section and, unless it is determined that the application does not conform with the requirements of this Section or that grounds exist for a denial of the application under Section 5-501, grant the applicant a motor vehicle financing affiliate license in writing for the applicant's established place of business and a supplemental license in writing for each additional place of business in a form prescribed by the Secretary, which shall include all of the following:

(1) The name of the business licensed;

(2) The name and address of its officers, directors, or members, as applicable;

(3) In the case of an original license, the established place of business of the licensee;

(4) If applicable, the make or makes of new vehicles which the licensee is licensed to sell to the new motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b); and

(5) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(h) The appropriate instrument evidencing the license or a certified copy, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee.

(i) Except as provided in subsection (h), all motor vehicle financing affiliate's licenses granted under this Section shall expire ~~expired~~ by operation of law on December 31 of the calendar year for which they are granted, unless revoked or canceled at an earlier date pursuant to Section 5-501.

(j) A motor vehicle financing affiliate's license may be renewed upon application and payment of the required fee. However, when an application for renewal of a motor vehicle

financing affiliate's license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

(k) The contract a motor vehicle financing affiliate has with a manufacturer or franchised distributor, as provided in paragraph (5) of subsection (b), shall only permit the applicant to sell, transfer, or assign new motor vehicles to the new motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b). The contract shall specifically prohibit the motor vehicle financing affiliate from selling motor vehicles at retail. This contract shall not be considered the granting of a franchise as defined in Section 2 of the Motor Vehicle Franchise Act.

(l) When purchasing ~~of~~ a motor vehicle by a new or used motor vehicle dealer, all persons licensed as a motor vehicle financing affiliate are required to furnish all of the following:

(1) For a new vehicle, a manufacturer's statement of origin properly assigned to the purchasing dealer. For a used vehicle, a certificate of title properly assigned to the purchasing dealer.

(2) A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title or manufacturer's statement of origin.

(3) A bill of sale properly executed on behalf of the purchasing dealer.

(4) A copy of the Uniform Invoice-transaction report pursuant to Section 5-402.

(5) In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status pursuant to Section 5-104.3.

(6) In the case of a vehicle for which a warranty has been reinstated, a copy of the warranty.

(m) The motor vehicle financing affiliate shall use the established and supplemental place or places of business the new or used vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b) as its established and supplemental place or places of business.

(n) The motor vehicle financing affiliate shall keep all books and records required by this Code with the books and records of the new or used vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b). The motor vehicle financing affiliate may use the books and records of the new or used motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b).

(o) Under no circumstances shall a motor vehicle financing affiliate sell, transfer, or assign a new vehicle to any place of business of a new motor vehicle dealer, unless that place of business is licensed under this Chapter to sell, assign, or otherwise transfer the make of the new motor vehicle

transferred.

(p) All moneys received by the Secretary of State as license fees under this Section shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(q) Except as otherwise provided in this Section, a motor vehicle financing affiliate shall comply with all provisions of this Code.

(r) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a licensee under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who handles certificate of title and registration documents and applications.

(Source: P.A. 102-154, eff. 1-1-22; revised 8-22-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 5-101.1. Motor vehicle financing affiliates; licensing.

(a) In this State, no business shall engage in the business of a motor vehicle financing affiliate without a license to do so in writing from the Secretary of State.

(b) An application for a motor vehicle financing affiliate's license must be filed with the Secretary of State, duly verified by oath, on a form prescribed by the Secretary of State and shall contain all of the following:

(1) The name and type of business organization of the applicant and the applicant's established place of business and any additional places of business in this State.

(2) The name and address of the licensed new or used vehicle dealer to which the applicant will be selling, transferring, or assigning new or used motor vehicles pursuant to a written contract. If more than one dealer is on the application, the applicant shall state in writing the basis of common ownership among the dealers.

(3) A list of the business organization's officers, directors, members, and shareholders having a 10% or greater ownership interest in the business, providing the residential address for each person listed.

(4) If selling, transferring, or assigning new motor

vehicles, the make or makes of new vehicles that it will sell, assign, or otherwise transfer to the contracting new motor vehicle dealer listed on the application pursuant to paragraph (2).

(5) The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of new vehicles and a signed statement from each manufacturer or franchised distributor acknowledging the contract.

(6) A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. This requirement does not apply to a motor vehicle financing affiliate that is already licensed with the Secretary of State and is applying for a renewal of its license.

(7) A statement that the applicant has complied with the appropriate liability insurance requirement and a Certificate of Insurance that shall not expire before December 31 of the year for which the license was issued or renewed with a minimum liability coverage of $100,000 for the bodily injury or death of any person, $300,000 for the bodily injury or death of 2 or more persons in any one crash, and $50,000 for damage to property. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are

exempt from the requirements of this paragraph. A motor vehicle financing affiliate is exempt from the requirements of this paragraph if it is covered by the insurance policy of the new or used dealer listed on the application pursuant to paragraph (2).

(8) A license fee of $1,000 for the applicant's established place of business and $250 for each additional place of business, if any, to which the application pertains. However, if the application is made after June 15 of any year, the license fee shall be $500 for the applicant's established place of business and $125 for each additional place of business, if any, to which the application pertains. These license fees shall be returnable only in the event that the application is denied by the Secretary of State.

(9) A statement incorporating the requirements of paragraphs 8 and 9 of subsection (b) of Section 5-101.

(10) Any other information concerning the business of the applicant as the Secretary of State may prescribe.

(11) A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(12) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any

information contained in any application for a motor vehicle financing affiliate's license shall be amended within 30 days after the occurrence of the change on a form prescribed by the Secretary of State, accompanied by an amendatory fee of $2.

(d) If a new vehicle dealer is not listed on the application, pursuant to paragraph (2) of subsection (b), the motor vehicle financing affiliate shall not receive, possess, or transfer any new vehicle. If a new motor vehicle dealer is listed on the application, pursuant to paragraph (2) of subsection (b), the new motor vehicle dealer can only receive those new cars it is permitted to receive under its franchise agreement. If both a new and used motor vehicle dealer are listed on the application, pursuant to paragraph (2) of subsection (b), only the new motor vehicle dealer may receive new motor vehicles. If a used motor vehicle is listed on the application, pursuant to paragraph (2) of subsection (b), the used motor vehicle dealer shall not receive any new motor vehicles.

(e) The applicant and dealer provided pursuant to paragraph (2) of subsection (b) must be business organizations registered to conduct business in Illinois. Three-fourths of the dealer's board of directors must be members of the motor vehicle financing affiliate's board of directors, if applicable.

(f) Unless otherwise provided in this Chapter 5, no business organization registered to do business in Illinois

shall be licensed as a motor vehicle financing affiliate unless:

(1) The motor vehicle financing affiliate shall only sell, transfer, or assign motor vehicles to the licensed new or used dealer listed on the application pursuant to paragraph (2) of subsection (b).

(2) The motor vehicle financing affiliate sells, transfers, or assigns to the new motor vehicle dealer listed on the application, if any, only those new motor vehicles the motor vehicle financing affiliate has received under the contract set forth in paragraph (5) of subsection (b).

(3) Any new vehicle dealer listed pursuant to paragraph (2) of subsection (b) has a franchise agreement that permits the dealer to receive motor vehicles from the motor vehicle franchise affiliate.

(4) The new or used motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b) has one established place of business or supplemental places of business as referenced in subsection (g).

(g) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted pursuant to this Section and, unless it is determined that the application does not conform with the requirements of this Section or that grounds exist for a denial of the application under Section 5-501, grant the applicant a motor vehicle financing affiliate

license in writing for the applicant's established place of business and a supplemental license in writing for each additional place of business in a form prescribed by the Secretary, which shall include all of the following:

(1) The name of the business licensed;

(2) The name and address of its officers, directors, or members, as applicable;

(3) In the case of an original license, the established place of business of the licensee;

(4) If applicable, the make or makes of new vehicles which the licensee is licensed to sell to the new motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b); and

(5) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(h) The appropriate instrument evidencing the license or a certified copy, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee.

(i) Except as provided in subsection (h), all motor vehicle financing affiliate's licenses granted under this Section shall expire ~~expired~~ by operation of law on December 31 of the calendar year for which they are granted, unless revoked or canceled at an earlier date pursuant to Section

5-501.

(j) A motor vehicle financing affiliate's license may be renewed upon application and payment of the required fee. However, when an application for renewal of a motor vehicle financing affiliate's license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

(k) The contract a motor vehicle financing affiliate has with a manufacturer or franchised distributor, as provided in paragraph (5) of subsection (b), shall only permit the applicant to sell, transfer, or assign new motor vehicles to the new motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b). The contract shall specifically prohibit the motor vehicle financing affiliate from selling motor vehicles at retail. This contract shall not be considered the granting of a franchise as defined in Section 2 of the Motor Vehicle Franchise Act.

(l) When purchasing ~~of~~ a motor vehicle by a new or used motor vehicle dealer, all persons licensed as a motor vehicle financing affiliate are required to furnish all of the following:

(1) For a new vehicle, a manufacturer's statement of origin properly assigned to the purchasing dealer. For a used vehicle, a certificate of title properly assigned to the purchasing dealer.

(2) A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title or manufacturer's statement of origin.

(3) A bill of sale properly executed on behalf of the purchasing dealer.

(4) A copy of the Uniform Invoice-transaction report pursuant to Section 5-402.

(5) In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status pursuant to Section 5-104.3.

(6) In the case of a vehicle for which a warranty has been reinstated, a copy of the warranty.

(m) The motor vehicle financing affiliate shall use the established and supplemental place or places of business the new or used vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b) as its established and supplemental place or places of business.

(n) The motor vehicle financing affiliate shall keep all books and records required by this Code with the books and records of the new or used vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b). The motor vehicle financing affiliate may use the books and records of the new or used motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b).

(o) Under no circumstances shall a motor vehicle financing

affiliate sell, transfer, or assign a new vehicle to any place of business of a new motor vehicle dealer, unless that place of business is licensed under this Chapter to sell, assign, or otherwise transfer the make of the new motor vehicle transferred.

(p) All moneys received by the Secretary of State as license fees under this Section shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(q) Except as otherwise provided in this Section, a motor vehicle financing affiliate shall comply with all provisions of this Code.

(r) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a licensee under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping,

management, or financial position or as an employee who handles certificate of title and registration documents and applications.

(Source: P.A. 102-154, eff. 1-1-22; 102-982, eff. 7-1-23; revised 8-22-22.)

(625 ILCS 5/6-107)

(Text of Section before amendment by P.A. 102-982)

Sec. 6-107. Graduated license.

(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle accidents, fatalities, and injuries by:

(1) providing for an increase in the time of practice period before granting permission to obtain a driver's license;

(2) strengthening driver licensing and testing standards for persons under the age of 21 years;

(3) sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and

(4) setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated, for a driver's ~~drivers~~ license or permit to operate a motor vehicle issued under the

laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult. The written consent must accompany any application for a driver's license under this subsection (b), regardless of whether or not the required written consent also accompanied the person's previous application for an instruction permit.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

(1) Held a valid instruction permit for a minimum of 9 months.

(2) Passed an approved driver education course and submits proof of having passed the course as may be required.

(3) Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 50 hours of behind-the-wheel practice time, at least 10 hours of which have been at night, and is sufficiently prepared and able to safely operate a motor vehicle.

(b-1) No graduated driver's license shall be issued to any applicant who is under 18 years of age and not legally emancipated, unless the applicant has graduated from a secondary school of this State or any other state, is enrolled in a course leading to a State of Illinois High School Diploma,

has obtained a State of Illinois High School Diploma, is enrolled in an elementary or secondary school or college or university of this State or any other state and is not a chronic or habitual truant as provided in Section 26-2a of the School Code, or is receiving home instruction and submits proof of meeting any of those requirements at the time of application.

An applicant under 18 years of age who provides proof acceptable to the Secretary that the applicant has resumed regular school attendance or home instruction or that his or her application was denied in error shall be eligible to receive a graduated license if other requirements are met. The Secretary shall adopt rules for implementing this subsection (b-1).

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code or a similar out of state offense and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Use of Intoxicating Compounds Act, or the

Methamphetamine Control and Community Protection Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of such an ~~this~~ offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that the ~~this~~ offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 9 months to any applicant under the age of 18 years who has committed and subsequently been convicted of an offense against traffic regulations governing the movement of vehicles, any violation of this Section or Section 12-603.1 of this Code, or who has received a disposition of court supervision for a violation of Section 6-20 of the Illinois Liquor Control Act of 1934 or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in

the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code. If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the violation, the provisions of this paragraph shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(f) (Blank).

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 12 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver. If a graduated driver's license holder committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code during the first 12 months the license is held and

subsequently is convicted of the violation, the provisions of this paragraph shall remain in effect until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(h) It shall be an offense for a person that is age 15, but under age 20, to be a passenger in a vehicle operated by a driver holding a graduated driver's license during the first 12 months the driver holds the license or until the driver reaches the age of 18, whichever occurs sooner, if another passenger under the age of 20 is present, excluding a sibling, step-sibling, child, or step-child of the driver.

(i) No graduated driver's license shall be issued to any applicant under the age of 18 years if the applicant has been issued a traffic citation for which a disposition has not been rendered at the time of application.

(Source: P.A. 102-1100, eff. 1-1-23; revised 12-14-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 6-107. Graduated license.

(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle crashes, fatalities, and injuries by:

(1) providing for an increase in the time of practice period before granting permission to obtain a driver's license;

(2) strengthening driver licensing and testing standards for persons under the age of 21 years;

(3) sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and

(4) setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated, for a driver's ~~drivers~~ license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult. The written consent must accompany any application for a driver's license under this subsection (b), regardless of whether or not the required written consent also accompanied the person's previous application for an instruction permit.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

(1) Held a valid instruction permit for a minimum of 9 months.

(2) Passed an approved driver education course and submits proof of having passed the course as may be required.

(3) Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 50 hours of behind-the-wheel practice time, at least 10 hours of which have been at night, and is sufficiently prepared and able to safely operate a motor vehicle.

(b-1) No graduated driver's license shall be issued to any applicant who is under 18 years of age and not legally emancipated, unless the applicant has graduated from a secondary school of this State or any other state, is enrolled in a course leading to a State of Illinois High School Diploma, has obtained a State of Illinois High School Diploma, is enrolled in an elementary or secondary school or college or university of this State or any other state and is not a chronic or habitual truant as provided in Section 26-2a of the School Code, or is receiving home instruction and submits proof of meeting any of those requirements at the time of application.

An applicant under 18 years of age who provides proof acceptable to the Secretary that the applicant has resumed regular school attendance or home instruction or that his or her application was denied in error shall be eligible to receive a graduated license if other requirements are met. The Secretary shall adopt rules for implementing this subsection

(b-1).

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code or a similar out of state offense and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Use of Intoxicating Compounds Act, or the Methamphetamine Control and Community Protection Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of such an ~~this~~ offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that the ~~this~~ offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 9 months to any applicant under the age of 18 years who has committed and subsequently been convicted of an offense against traffic regulations governing the movement of vehicles, any violation of this Section or Section 12-603.1 of this Code, or who has received a disposition of court supervision for a violation of Section 6-20 of the Illinois Liquor Control Act of 1934 or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code. If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the violation, the provisions of this paragraph shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(f) (Blank).

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 12 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver. If a graduated driver's license holder committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code during the first 12 months the license is held and subsequently is convicted of the violation, the provisions of this paragraph shall remain in effect until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(h) It shall be an offense for a person that is age 15, but under age 20, to be a passenger in a vehicle operated by a driver holding a graduated driver's license during the first 12 months the driver holds the license or until the driver reaches the age of 18, whichever occurs sooner, if another passenger under the age of 20 is present, excluding a sibling,

step-sibling, child, or step-child of the driver.

(i) No graduated driver's license shall be issued to any applicant under the age of 18 years if the applicant has been issued a traffic citation for which a disposition has not been rendered at the time of application.

(Source: P.A. 102-982, eff. 7-1-23; 102-1100, eff. 1-1-23; revised 12-14-22.)

(625 ILCS 5/6-206)

(Text of Section before amendment by P.A. 102-982)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of

offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or 14B of the Illinois Identification Card Act or a similar offense in another state if, at the time of the offense, the person held an Illinois driver's license or identification card;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles if the person exercised actual physical control over the vehicle during the commission of the offense, in which case the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. (Blank);

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident

resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a traffic-related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. (Blank);

28. Has been convicted for a first time of the illegal

possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute, promoting juvenile prostitution as described in subdivision (a)(1), (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one

year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 of this Code or Section 5-16c of the Boat Registration and Safety Act or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of

a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance;

35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state

within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;

42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;

43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation, in which case the suspension shall be for a period of 3 months;

44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section;

45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person;

46. Has committed a violation of subsection (j) of

Section 3-413 of this Code;

47. Has committed a violation of subsection (a) of Section 11-502.1 of this Code;

48. Has submitted a falsified or altered medical examiner's certificate to the Secretary of State or provided false information to obtain a medical examiner's certificate;

49. Has been convicted of a violation of Section 11-1002 or 11-1002.5 that resulted in a Type A injury to another, in which case the driving privileges of the person shall be suspended for 12 months;

50. Has committed a violation of subsection (b-5) of Section 12-610.2 that resulted in great bodily harm, permanent disability, or disfigurement, in which case the driving privileges of the person shall be suspended for 12 months;

51. Has committed a violation of Section 10-15 Of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance while in a motor vehicle; or

52. Has committed a violation of subsection (b) of Section 10-20 of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the

Secretary of State, a duplicate or corrected driver's license, a probationary driver's license, or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6-month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's

regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of

this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment-related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare.

(A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension or revocation under Section 11-501.1; or

(iii) a suspension under Section 6-203.1;

arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a

vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B-5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed $30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment

exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire no later than 2 years from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(F) A person subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:

(i) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and

(ii) the successful completion of any rehabilitative treatment and involvement in any ongoing rehabilitative activity that may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code.

In determining whether an applicant is eligible for a restricted driving permit under this subparagraph (F), the

Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph (5) of subsection (a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit under this subparagraph (F).

A restricted driving permit issued under this subparagraph (F) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph (2) of subsection (c) of Section 6-205 of this Code and subparagraph (A) of paragraph 3 of subsection (c) of this Section. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this subparagraph (F) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code.

A restricted driving permit issued under this subparagraph (F) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in

another state.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Driver License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 CFR 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified under any provisions of this Code.

(Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff. 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-14-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to a crash resulting in injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the crash, or shall start not more than one year after the date of the crash, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of

another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or 14B of the Illinois Identification Card Act or a similar offense in another state if, at the time of the offense, the person held an Illinois driver's license or identification card;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles if the person exercised actual physical control over the vehicle during the commission of the offense, in which case the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. (Blank);

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of a crash resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a traffic-related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to

obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. (Blank);

28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile

pimping, soliciting for a juvenile prostitute, promoting juvenile prostitution as described in subdivision (a)(1), (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 of this Code or Section 5-16c of the Boat Registration and Safety Act or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the

Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance;

35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;

42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance;

43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation, in which case the suspension shall be for a period of 3 months;

44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section;

45. Has, in connection with or during the course of a

formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person;

46. Has committed a violation of subsection (j) of Section 3-413 of this Code;

47. Has committed a violation of subsection (a) of Section 11-502.1 of this Code;

48. Has submitted a falsified or altered medical examiner's certificate to the Secretary of State or provided false information to obtain a medical examiner's certificate;

49. Has been convicted of a violation of Section 11-1002 or 11-1002.5 that resulted in a Type A injury to another, in which case the driving privileges of the person shall be suspended for 12 months;

50. Has committed a violation of subsection (b-5) of Section 12-610.2 that resulted in great bodily harm, permanent disability, or disfigurement, in which case the driving privileges of the person shall be suspended for 12 months;

51. Has committed a violation of Section 10-15 Of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance while in a motor vehicle; or

52. Has committed a violation of subsection (b) of Section 10-20 of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license, or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6-month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license

of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any

driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment-related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational

institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare.

(A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is

recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension or revocation under Section 11-501.1; or

(iii) a suspension under Section 6-203.1;

arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B-5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed $30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an

ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire no later than 2 years from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a

restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(F) A person subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:

(i) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and

(ii) the successful completion of any

rehabilitative treatment and involvement in any ongoing rehabilitative activity that may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code.

In determining whether an applicant is eligible for a restricted driving permit under this subparagraph (F), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection (b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph (5) of subsection (a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit under this subparagraph (F).

A restricted driving permit issued under this subparagraph (F) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph (2) of subsection (c) of Section 6-205 of this Code and subparagraph (A) of paragraph 3 of subsection (c) of this Section. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this subparagraph (F) if the holder operates a vehicle that is not equipped with an ignition interlock device, or

for any other reason authorized under this Code.

A restricted driving permit issued under this subparagraph (F) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Driver License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 CFR 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified under any provisions of this Code.

(Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff. 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff. 7-1-23; revised 12-14-22.)

(625 ILCS 5/6-514)

(Text of Section before amendment by P.A. 102-982)

Sec. 6-514. Commercial driver's license (CDL); commercial

learner's permit (CLP); disqualifications.

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

(1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both while driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or

(2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath, other bodily substance, or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence; or operating a non-commercial motor vehicle while the alcohol concentration of the person's blood, breath, other bodily substance, or urine was above the legal limit defined in Section 11-501.1 or 11-501.8 or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or

consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence while holding a CLP or CDL; or

(3) Conviction for a first violation of:

(i) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or

(ii) Knowingly leaving the scene of an accident while operating a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or

(iii) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while committing any felony; or

(iv) Driving a commercial motor vehicle while the person's driving privileges or driver's license or permit is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or

(v) Causing a fatality through the negligent operation of a commercial motor vehicle, including but

not limited to the crimes of motor vehicle manslaughter, homicide by a motor vehicle, and negligent homicide.

As used in this subdivision (a)(3)(v), "motor vehicle manslaughter" means the offense of involuntary manslaughter if committed by means of a vehicle; "homicide by a motor vehicle" means the offense of first degree murder or second degree murder, if either offense is committed by means of a vehicle; and "negligent homicide" means reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years; or

(4) (Blank).

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial

motor vehicle for life if the person either (i) uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance or (ii) if the person is a CLP or CDL holder, uses a non-CMV in the commission of a felony involving any of those activities.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3-year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less

than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3-year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. If all the convictions occurred in a non-CMV, the disqualification shall be entered only if the convictions would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges.

(e-1) (Blank).

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCDLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a CLP or CDL, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CLP or CDL from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s)

occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code.

(2) For 2 years upon a second conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(4) For one year upon a first conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or

subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(j) Disqualification for railroad-highway grade crossing violation.

(1) General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from operating a commercial motor vehicle for the period of time specified in paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train or railroad track equipment, as described in subsection (a-5) of Section 11-1201 of this Code;

(ii) For drivers who are not required to always

stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in

paragraph (1) of this subsection (j).

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had 2 or more other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

(k) Upon notification of a disqualification of a driver's commercial motor vehicle privileges imposed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record to the driving record the notice of disqualification and confirm to the driver the action that has been taken.

(l) A foreign commercial driver is subject to disqualification under this Section.

(m) A person shall be disqualified from operating a commercial motor vehicle for life if that individual uses a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of human trafficking, as defined in 22 U.S.C. 7102(11).

(Source: P.A. 102-749, eff. 1-1-23.)

(Text of Section after amendment by P.A. 102-982)

Sec. 6-514. Commercial driver's license (CDL); commercial learner's permit (CLP); disqualifications.

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

(1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both while driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or

(2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath, other bodily substance, or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the

Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence; or operating a non-commercial motor vehicle while the alcohol concentration of the person's blood, breath, other bodily substance, or urine was above the legal limit defined in Section 11-501.1 or 11-501.8 or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence while holding a CLP or CDL; or

(3) Conviction for a first violation of:

(i) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or

(ii) Knowingly leaving the scene of a crash while operating a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or

(iii) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while committing any felony; or

(iv) Driving a commercial motor vehicle while the person's driving privileges or driver's license or permit is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or

(v) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by a motor vehicle, and negligent homicide.

As used in this subdivision (a)(3)(v), "motor vehicle manslaughter" means the offense of involuntary manslaughter if committed by means of a vehicle; "homicide by a motor vehicle" means the offense of first degree murder or second degree murder, if either offense is committed by means of a vehicle; and "negligent homicide" means reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years; or

(4) (Blank).

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life if the person either (i) uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance or (ii) if the person is a CLP or CDL holder, uses a non-CMV in the commission of a felony involving any of those activities.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3-year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3-year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. If all the convictions occurred in a non-CMV, the disqualification shall be entered only if the convictions would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges.

(e-1) (Blank).

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCDLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a CLP or CDL, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CLP or CDL from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code.

(2) For 2 years upon a second conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) or subsection (b-3) or any combination of paragraphs (2) or (3) of subsection (b)

or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (2) of subsection (b) or subsection (b-3).

(4) For one year upon a first conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) or subsection (b-5) or any combination of paragraphs (2) or (3) of subsection (b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph (3) of subsection (b) or (b-5).

(j) Disqualification for railroad-highway grade crossing violation.

(1) General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from

operating a commercial motor vehicle for the period of time specified in paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train or railroad track equipment, as described in subsection (a-5) of Section 11-1201 of this Code;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage

clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph (1) of this subsection (j).

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had 2 or more

other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

(k) Upon notification of a disqualification of a driver's commercial motor vehicle privileges imposed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record to the driving record the notice of disqualification and confirm to the driver the action that has been taken.

(l) A foreign commercial driver is subject to disqualification under this Section.

(m) A person shall be disqualified from operating a commercial motor vehicle for life if that individual uses a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of human trafficking, as defined in 22 U.S.C. 7102(11).

(Source: P.A. 102-749, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

(625 ILCS 5/7-328) (from Ch. 95 1/2, par. 7-328)

(Text of Section before amendment by P.A. 102-982)

Sec. 7-328. Duration of proof; when ~~proof - When~~ proof may be canceled or returned. The Secretary of State shall upon request cancel any bond or return any certificate of insurance, or the Secretary of State shall direct and the

State Treasurer shall return to the person entitled thereto any money or securities, deposited pursuant to this Chapter as proof of financial responsibility or waive the requirements of filing proof of financial responsibility in any of the following events:

1. In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle.~~,~~

2. In the event the person who has given proof of financial responsibility surrenders such person's driver's license, registration certificates, license plates, and registration stickers, but the Secretary of State shall not release such proof in the event any action for damages upon a liability referred to in this Article is then pending or any judgment upon any such liability is then outstanding and unsatisfied or in the event the Secretary of State has received notice that such person has, within the period of 3 months immediately preceding, been involved as a driver in any motor vehicle accident. An affidavit of the applicant of the nonexistence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Secretary of State. Any person who has not completed the required 3-year ~~3 year~~ period of proof of financial responsibility pursuant to Section 7-304, and to whom proof has been surrendered as provided in this paragraph

applies for a driver's license or the registration of a motor vehicle shall have the application denied unless the applicant reestablishes ~~re-establishes~~ such proof for the remainder of such period.

3. In the event that proof of financial responsibility has been deposited voluntarily, at any time upon request of the person entitled thereto, provided that the person on whose behalf such proof was given has not, during the period between the date of the original deposit thereof and the date of such request, been convicted of any offense for which revocation is mandatory as provided in Section 6-205; provided, further, that no action for damages is pending against such person on whose behalf such proof of financial responsibility was furnished and no judgment against such person is outstanding and unsatisfied in respect to bodily injury, or in respect to damage to property resulting from the ownership, maintenance, use, or operation hereafter of a motor vehicle. An affidavit of the applicant under this Section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Secretary of State.

(Source: P.A. 85-321; revised 8-19-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 7-328. Duration of proof; when ~~proof When~~ proof may

be canceled or returned. The Secretary of State shall upon request cancel any bond or return any certificate of insurance, or the Secretary of State shall direct and the State Treasurer shall return to the person entitled thereto any money or securities, deposited pursuant to this Chapter as proof of financial responsibility or waive the requirements of filing proof of financial responsibility in any of the following events:

1. In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle.~~;~~

2. In the event the person who has given proof of financial responsibility surrenders such person's driver's license, registration certificates, license plates and registration stickers, but the Secretary of State shall not release such proof in the event any action for damages upon a liability referred to in this Article is then pending or any judgment upon any such liability is then outstanding and unsatisfied or in the event the Secretary of State has received notice that such person has, within the period of 3 months immediately preceding, been involved as a driver in any motor vehicle crash. An affidavit of the applicant of the nonexistence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Secretary of State. Any person who has not completed the

required 3-year ~~3 year~~ period of proof of financial responsibility pursuant to Section 7-304, and to whom proof has been surrendered as provided in this paragraph applies for a driver's license or the registration of a motor vehicle shall have the application denied unless the applicant reestablishes ~~re-establishes~~ such proof for the remainder of such period.

3. In the event that proof of financial responsibility has been deposited voluntarily, at any time upon request of the person entitled thereto, provided that the person on whose behalf such proof was given has not, during the period between the date of the original deposit thereof and the date of such request, been convicted of any offense for which revocation is mandatory as provided in Section 6-205; provided, further, that no action for damages is pending against such person on whose behalf such proof of financial responsibility was furnished and no judgment against such person is outstanding and unsatisfied in respect to bodily injury, or in respect to damage to property resulting from the ownership, maintenance, use, or operation hereafter of a motor vehicle. An affidavit of the applicant under this Section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Secretary of State.

(Source: P.A. 102-982, eff. 7-1-23; revised 8-19-22.)

(625 ILCS 5/7-329) (from Ch. 95 1/2, par. 7-329)

(Text of Section before amendment by P.A. 102-982)

Sec. 7-329. Proof of financial responsibility made voluntarily.

1. Proof of financial responsibility may be made voluntarily by or on behalf of any person. The privilege of operation of any motor vehicle within this State by such person shall not be suspended or withdrawn under the provisions of this Article if such proof of financial responsibility has been voluntarily filed or deposited prior to the offense or accident out of which any conviction, judgment, or order arises and if such proof, at the date of such conviction, judgment, or order, is valid and sufficient for the requirements of this Code.

2. If the Secretary of State receives record of any conviction or judgment against such person which, in the absence of such proof of financial responsibility would have caused the suspension of the driver's license of such person, the Secretary of State shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported.

(Source: P.A. 83-831; revised 8-19-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 7-329. Proof of financial responsibility made

voluntarily.

1. Proof of financial responsibility may be made voluntarily by or on behalf of any person. The privilege of operation of any motor vehicle within this State by such person shall not be suspended or withdrawn under the provisions of this Article if such proof of financial responsibility has been voluntarily filed or deposited prior to the offense or crash out of which any conviction, judgment, or order arises and if such proof, at the date of such conviction, judgment, or order, is valid and sufficient for the requirements of this Code.

2. If the Secretary of State receives record of any conviction or judgment against such person which, in the absence of such proof of financial responsibility would have caused the suspension of the driver's license of such person, the Secretary of State shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported.

(Source: P.A. 102-982, eff. 7-1-23; revised 8-19-22.)

(625 ILCS 5/11-208.6)

(Text of Section before amendment by P.A. 102-982)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal

to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through

the Internet.

(c) Except as provided under Section 11-208.8 of this Code, a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue

violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;

(8) a statement that recorded images are evidence of a violation of a red light signal;

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability;

(10) a statement that the person may elect to proceed by:

(A) paying the fine, completing a required traffic education program, or both; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) (Blank).

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law

enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital

registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $100 or the completion of a traffic education program, or both, plus an additional penalty of not more than $100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control

of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(k-3) A municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation.

(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic

law enforcement system at an intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36-month ~~36 month~~ period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of

traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed $25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it

would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21; 102-905, eff. 1-1-23; revised 12-14-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Except as provided under Section 11-208.8 of this Code, a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the

motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the

owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;

(8) a statement that recorded images are evidence of a violation of a red light signal;

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability;

(10) a statement that the person may elect to proceed by:

(A) paying the fine, completing a required traffic education program, or both; or

(B) challenging the charge in court, by mail, or

by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) (Blank).

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the

violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $100 or the completion of a traffic education program, or both, plus an additional penalty of not more than $100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for

which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(k-3) A municipality or county that has one or more intersections equipped with an automated traffic law

enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation.

(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36-month ~~36 month~~

period following installation of the system indicates that there has been an increase in the rate of crashes at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the crashes, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the crashes at that intersection.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed $25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21; 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

(625 ILCS 5/11-208.9)

(Text of Section before amendment by P.A. 102-982)

Sec. 11-208.9. Automated traffic law enforcement system; approaching, overtaking, and passing a school bus.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with the visual signals on a school bus, as specified in Sections 12-803 and 12-805 of this Code, to produce recorded images of motor vehicles that

fail to stop before meeting or overtaking, from either direction, any school bus stopped at any location for the purpose of receiving or discharging pupils in violation of Section 11-1414 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(c) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the

alleged violator with a website address, accessible through the Internet.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automated traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(e) The notice required under subsection (d) shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(8) a statement that recorded images are evidence of a violation of overtaking or passing a school bus stopped

for the purpose of receiving or discharging pupils;

(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability;

(10) a statement that the person may elect to proceed by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(f) (Blank).

(g) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(h) Recorded images made by an automated traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(i) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a violation of Section 11-1414 of this Code within one-eighth of a mile and 15 minutes of the violation that was recorded by the system;

(3) that the visual signals required by Sections 12-803 and 12-805 of this Code were damaged, not activated, not present in violation of Sections 12-803 and 12-805, or inoperable; and

(4) any other evidence or issues provided by municipal or county ordinance.

(j) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or

lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(k) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $150 for a first time violation or $500 for a second or subsequent violation, plus an additional penalty of not more than $100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle, but may be recorded by the municipality or county for the purpose of determining if a person is subject to the higher fine for a second or subsequent offense.

(l) A school bus equipped with an automated traffic law enforcement system must be posted with a sign indicating that the school bus is being monitored by an automated traffic law enforcement system.

(m) A municipality or county that has one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting a list of school districts using school buses equipped with an automated

traffic law enforcement system on the municipality or county website. School districts that have one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting that information on their websites.

(n) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact in each school district using school buses equipped with an automated traffic law enforcement system following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36-month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to school buses monitored by the

system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents involving school buses equipped with an automated traffic law enforcement system.

(o) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) (Blank).

(r) After a municipality or county enacts an ordinance providing for automated traffic law enforcement systems under this Section, each school district within that municipality or county's jurisdiction may implement an automated traffic law enforcement system under this Section. The elected school board for that district must approve the implementation of an automated traffic law enforcement system. The school district shall be responsible for entering into a contract, approved by the elected school board of that district, with vendors for the installation, maintenance, and operation of the automated traffic law enforcement system. The school district must enter into an intergovernmental agreement, approved by the elected school board of that district, with the municipality or county with jurisdiction over that school district for the administration of the automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

(Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21; 102-905, eff. 1-1-23.)

(Text of Section after amendment by P.A. 102-982)

Sec. 11-208.9. Automated traffic law enforcement system; approaching, overtaking, and passing a school bus.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with the visual signals on a school bus, as specified in Sections 12-803 and 12-805 of this Code, to produce recorded images of motor vehicles that fail to stop before meeting or overtaking, from either direction, any school bus stopped at any location for the purpose of receiving or discharging pupils in violation of Section 11-1414 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration

plate number of the motor vehicle.

(c) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automated traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(e) The notice required under subsection (d) shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(8) a statement that recorded images are evidence of a violation of overtaking or passing a school bus stopped for the purpose of receiving or discharging pupils;

(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability;

(10) a statement that the person may elect to proceed by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(f) (Blank).

(g) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(h) Recorded images made by an automated traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and

law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(i) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a violation of Section 11-1414 of this Code within one-eighth of a mile and 15 minutes of the violation that was recorded by the system;

(3) that the visual signals required by Sections 12-803 and 12-805 of this Code were damaged, not activated, not present in violation of Sections 12-803 and 12-805, or inoperable; and

(4) any other evidence or issues provided by municipal

or county ordinance.

(j) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(k) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $150 for a first time violation or $500 for a second or subsequent violation, plus an additional penalty of not more than $100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle, but may be recorded by the municipality or county for the purpose of determining if a person is subject to the higher fine for a second or subsequent offense.

(l) A school bus equipped with an automated traffic law enforcement system must be posted with a sign indicating that the school bus is being monitored by an automated traffic law

enforcement system.

(m) A municipality or county that has one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting a list of school districts using school buses equipped with an automated traffic law enforcement system on the municipality or county website. School districts that have one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting that information on their websites.

(n) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact in each school district using school buses equipped with an automated traffic law enforcement system following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection shall be

made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36-month period following installation of the system indicates that there has been an increase in the rate of crashes at the approach to school buses monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the crashes, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the crashes involving school buses equipped with an automated traffic law enforcement system.

(o) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the

violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) (Blank).

(r) After a municipality or county enacts an ordinance providing for automated traffic law enforcement systems under this Section, each school district within that municipality or county's jurisdiction may implement an automated traffic law enforcement system under this Section. The elected school board for that district must approve the implementation of an automated traffic law enforcement system. The school district shall be responsible for entering into a contract, approved by the elected school board of that district, with vendors for the installation, maintenance, and operation of the automated traffic law enforcement system. The school district must enter into an intergovernmental agreement, approved by the elected school board of that district, with the municipality or county with jurisdiction over that school district for the administration of the automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

(Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;

102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

(625 ILCS 5/11-506)

(Text of Section before amendment by P.A. 102-982)

Sec. 11-506. Street racing; aggravated street racing; street sideshows.

(a) No person shall engage in street racing on any street or highway of this State.

(a-5) No person shall engage in a street sideshow on any street or highway of this State.

(b) No owner of any vehicle shall acquiesce in or permit his or her vehicle to be used by another for the purpose of street racing or a street sideshow.

(b-5) A person may not knowingly interfere with or cause the movement of traffic to slow or stop for the purpose of facilitating street racing or a street sideshow.

(c) For the purposes of this Section:

"Acquiesce" or "permit" means actual knowledge that the motor vehicle was to be used for the purpose of street racing.

"Motor vehicle stunt" includes, but is not limited to, operating a vehicle in a manner that causes the vehicle to slide or spin, driving within the proximity of a gathering of persons, performing maneuvers to demonstrate the performance capability of the motor vehicle, or maneuvering the vehicle in an attempt to elicit a reaction from a gathering of persons.

"Street racing" means:

(1) The operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or

(2) The operation of one or more vehicles over a common selected course, each starting at the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; or

(3) The use of one or more vehicles in an attempt to outgain or outdistance another vehicle; or

(4) The use of one or more vehicles to prevent another vehicle from passing; or

(5) The use of one or more vehicles to arrive at a given destination ahead of another vehicle or vehicles; or

(6) The use of one or more vehicles to test the physical stamina or endurance of drivers over long-distance driving routes.

"Street sideshow" means an event in which one or more vehicles block or impede traffic on a street or highway, for the purpose of performing unauthorized motor vehicle stunts, motor vehicle speed contests, or motor vehicle exhibitions of speed.

(d) Penalties.

(1) Any person who is convicted of a violation of subsection (a), (a-5), or (b-5) shall be guilty of a Class A misdemeanor for the first offense and shall be subject

to a minimum fine of $250. Any person convicted of a violation of subsection (a), (a-5), or (b-5) a second or subsequent time shall be guilty of a Class 4 felony and shall be subject to a minimum fine of $500. The driver's license of any person convicted of subsection (a) shall be revoked in the manner provided by Section 6-205 of this Code.

(2) Any person who is convicted of a violation of subsection (b) shall be guilty of a Class B misdemeanor. Any person who is convicted of subsection (b) for a second or subsequent time shall be guilty of a Class A misdemeanor.

(3) Every person convicted of committing a violation of subsection (a) of this Section shall be guilty of aggravated street racing if the person, in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, where the violation was a proximate cause of the injury. Aggravated street racing is a Class 4 felony for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

(Source: P.A. 102-733, eff. 1-1-23; revised 12-14-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 11-506. Street racing; aggravated street racing; street sideshows.

(a) No person shall engage in street racing on any street or highway of this State.

(a-5) No person shall engage in a street sideshow on any street or highway of this State.

(b) No owner of any vehicle shall acquiesce in or permit his or her vehicle to be used by another for the purpose of street racing or a street sideshow.

(b-5) A person may not knowingly interfere with or cause the movement of traffic to slow or stop for the purpose of facilitating street racing or a street sideshow.

(c) For the purposes of this Section:

"Acquiesce" or "permit" means actual knowledge that the motor vehicle was to be used for the purpose of street racing.

"Motor vehicle stunt" includes, but is not limited to, operating a vehicle in a manner that causes the vehicle to slide or spin, driving within the proximity of a gathering of persons, performing maneuvers to demonstrate the performance capability of the motor vehicle, or maneuvering the vehicle in an attempt to elicit a reaction from a gathering of persons.

"Street racing" means:

(1) The operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or

(2) The operation of one or more vehicles over a

common selected course, each starting at the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; or

(3) The use of one or more vehicles in an attempt to outgain or outdistance another vehicle; or

(4) The use of one or more vehicles to prevent another vehicle from passing; or

(5) The use of one or more vehicles to arrive at a given destination ahead of another vehicle or vehicles; or

(6) The use of one or more vehicles to test the physical stamina or endurance of drivers over long-distance driving routes.

"Street sideshow" means an event in which one or more vehicles block or impede traffic on a street or highway, for the purpose of performing unauthorized motor vehicle stunts, motor vehicle speed contests, or motor vehicle exhibitions of speed.

(d) Penalties.

(1) Any person who is convicted of a violation of subsection (a), (a-5), or (b-5) shall be guilty of a Class A misdemeanor for the first offense and shall be subject to a minimum fine of $250. Any person convicted of a violation of subsection (a), (a-5), or (b-5) a second or subsequent time shall be guilty of a Class 4 felony and shall be subject to a minimum fine of $500. The driver's

license of any person convicted of subsection (a) shall be revoked in the manner provided by Section 6-205 of this Code.

(2) Any person who is convicted of a violation of subsection (b) shall be guilty of a Class B misdemeanor. Any person who is convicted of subsection (b) for a second or subsequent time shall be guilty of a Class A misdemeanor.

(3) Every person convicted of committing a violation of subsection (a) of this Section shall be guilty of aggravated street racing if the person, in committing a violation of subsection (a) was involved in a motor vehicle crash ~~crashes~~ that resulted in great bodily harm or permanent disability or disfigurement to another, where the violation was a proximate cause of the injury. Aggravated street racing is a Class 4 felony for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

(Source: P.A. 102-733, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

(625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

Sec. 11-605. Special speed limit while passing schools.

(a) For the purpose of this Section, "school" means the following entities:

(1) A public or private primary or secondary school.

(2) A primary or secondary school operated by a religious institution.

(3) A public, private, or religious nursery school.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a local, county, or State roadway on public school property or upon any public thoroughfare where children pass going to and from school.

For the purpose of this Section, a school day begins at 6:30 a.m. and concludes at 4 p.m.

This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) (Blank).

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs

within a special school speed zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(d) (Blank).

(e) Except as provided in subsection (e-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of $150 for the first violation, a minimum fine of $300 for the second or subsequent violation, and community service in an amount determined by the court.

(e-5) A person committing a violation of this Section is guilty of aggravated special speed limit while passing schools when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

(f) (Blank).

(g) (Blank).

(h) (Blank).

(Source: P.A. 102-58, eff. 7-9-21; 102-859, eff. 1-1-23; 102-978, eff. 1-1-23; revised 12-14-22.)

(625 ILCS 5/12-215)

(Text of Section before amendment by P.A. 102-982)

Sec. 12-215. Oscillating, rotating, or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, federal, ~~Federal~~ or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

2.1. A vehicle operated by a fire chief, deputy fire chief, or assistant fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, fire departments, or fire protection districts, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or

activated only when responding to a bona fide emergency;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

4.5. Vehicles which are occasionally used as rescue vehicles that have been authorized for use as rescue vehicles by a volunteer EMS provider, provided that the operator of the vehicle has successfully completed an emergency vehicle operation training course recognized by the Department of Public Health; furthermore, the lights shall not be lighted except when responding to an emergency call for the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice;

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act;

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code;

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization;

10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response;

11. Vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency; and

12. Vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or

stationary while engaged in motor vehicle assistance or at the scene of the emergency.

(b) The use of amber oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code; in addition, these vehicles may use white oscillating, rotating, or flashing lights in combination with amber oscillating, rotating, or flashing lights as provided in this paragraph;

2. Motor vehicles or equipment of the State of Illinois, the Illinois State Toll Highway Authority, local authorities, and contractors; furthermore, such lights shall not be lighted except while such vehicles are

engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance, or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing while such vehicles are engaged in maintenance, service, or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

6.1. The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except

when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating, or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

10.5. Vehicles of the Office of the Illinois State Fire Marshal, provided that such lights shall not be lighted except for when such vehicles are engaged in work for the Office of the Illinois State Fire Marshal;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage, recycling, or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, control agency, or the Illinois Department of Corrections;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department or fire protection district and vehicles owned or operated by a:

voluntary firefighter;

paid firefighter;

part-paid firefighter;

call firefighter;

member of the board of trustees of a fire protection district;

paid or unpaid member of a rescue squad;

paid or unpaid member of a voluntary ambulance unit; or

paid or unpaid members of a local or county

emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(C) the member's term of service; and

(D) the name of a person within the fire department, fire protection district, rescue squad,

ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating, or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating, or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of

Corrections, and vehicles of the Illinois Department of Juvenile Justice, when used in combination with red oscillating, rotating, or flashing lights.

8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating,

rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on second division vehicles designed and used for towing or hoisting vehicles or motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives; furthermore, such lights shall not be lighted on second division vehicles designed and used for towing or hoisting vehicles or vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in a tow operation, highway maintenance, or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating, or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating, or flashing lights or his representative or authorized vendor from temporarily mounting such lights on a vehicle for demonstration purposes only. If

the lights are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide. A vehicle authorized to have oscillating, rotating, or flashing lights mounted for demonstration purposes may not activate the lights while the vehicle is operated upon a highway.

(g) Any person violating the provisions of subsection ~~subsections~~ (a), (b), (c), or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsection ~~subsections~~ (a) or (c) of this Section shall be guilty of a Class A misdemeanor.
(Source: P.A. 101-56, eff. 1-1-20; 102-842, eff. 1-1-23; revised 12-14-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 12-215. Oscillating, rotating, or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, federal, ~~Federal~~ or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

2.1. A vehicle operated by a fire chief, deputy fire chief, or assistant fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, fire departments, or fire protection districts, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

4.5. Vehicles which are occasionally used as rescue vehicles that have been authorized for use as rescue vehicles by a volunteer EMS provider, provided that the operator of the vehicle has successfully completed an

emergency vehicle operation training course recognized by the Department of Public Health; furthermore, the lights shall not be lighted except when responding to an emergency call for the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice;

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act;

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code;

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization;

10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response;

11. Vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency; and

12. Vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency.

(b) The use of amber oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of a crash or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the

vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code; in addition, these vehicles may use white oscillating, rotating, or flashing lights in combination with amber oscillating, rotating, or flashing lights as provided in this paragraph;

2. Motor vehicles or equipment of the State of Illinois, the Illinois State Toll Highway Authority, local authorities, and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance, or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing while such vehicles are engaged in maintenance,

service, or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

6.1. The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating, or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail

for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

10.5. Vehicles of the Office of the Illinois State Fire Marshal, provided that such lights shall not be lighted except for when such vehicles are engaged in work for the Office of the Illinois State Fire Marshal;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage, recycling, or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, control agency, or the Illinois Department of Corrections;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating, or flashing

lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department or fire protection district and vehicles owned or operated by a:

voluntary firefighter;

paid firefighter;

part-paid firefighter;

call firefighter;

member of the board of trustees of a fire protection district;

paid or unpaid member of a rescue squad;

paid or unpaid member of a voluntary ambulance unit; or

paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle crash.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide

member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(C) the member's term of service; and

(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating, or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating, or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination

with red oscillating, rotating, or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice, when used in combination with red oscillating, rotating, or flashing lights.

8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or

flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle crash.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on second division vehicles designed and used for towing or hoisting vehicles or motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives; furthermore, such lights shall not be lighted on second division vehicles designed and used for towing or hoisting

vehicles or vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in a tow operation, highway maintenance, or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating, or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating, or flashing lights or his representative or authorized vendor from temporarily mounting such lights on a vehicle for demonstration purposes only. If the lights are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide. A vehicle authorized to have oscillating, rotating, or flashing lights mounted for demonstration purposes may not activate the lights while the vehicle is operated upon a highway.

(g) Any person violating the provisions of subsection ~~subsections~~ (a), (b), (c), or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsection ~~subsections~~ (a) or (c) of this Section shall be guilty of a Class A misdemeanor.
(Source: P.A. 101-56, eff. 1-1-20; 102-842, eff. 1-1-23; 102-982, eff. 7-1-23; revised 8-1-22.)

Section 670. The Innovations for Transportation Infrastructure Act is amended by changing Sections 15 and 20 as follows:

(630 ILCS 10/15)

(Section scheduled to be repealed on July 1, 2032)

Sec. 15. Authorization of project delivery methods.

(a) Notwithstanding any other law, and as authority supplemental to its existing powers, except as otherwise provided for in this Act, the Transportation Agency, in accordance with this Act, may use the design-build project delivery method for transportation facilities if the capital costs for transportation facilities delivered utilizing the design-build project delivery method or Construction Manager/General Contractor project delivery method or Alternative Technical Concepts in a design-bid-build project delivery method do not: (i) for transportation facilities delivered by the Department, exceed $400 million of contracts awarded during the Department's multi-year highway improvement program for any 5-year period; or (ii) for transportation

facilities delivered by the Authority, exceed 20% of the Authority's annual improvement program. The Transportation Agency shall make this calculation before commencing the procurement. Notwithstanding any other law, and as authority supplemental to its existing powers, the Department, in accordance with this Act, may use the Construction Manager/General Contractor project delivery method for up to 2 transportation facilities per year. Before commencing a procurement under this Act for either a design-build contract or a Construction Manager/General Contractor contract, the Transportation Agency shall first undertake an analysis and make a written determination that it is in the best interests of this State to use the selected delivery method for that transportation facility. The analysis and determination shall discuss the design-build project delivery method or Construction Manager/General Contractor project delivery method's impact on the anticipated schedule, completion date, and project costs. The best interests of the State analysis shall be made available to the public.

(b) The Transportation Agency shall report to the General Assembly annually for the first 5 years after June 15, 2022 (the effective date of this Act) on the progress of procurements and transportation facilities procured under this Act.

(c) A contract entered into pursuant to the provisions of this Act is ~~are~~ excepted from the Public Contract Fraud Act.

(Source: P.A. 102-1094, eff. 6-15-22; revised 8-19-22.)

(630 ILCS 10/20)

(Section scheduled to be repealed on July 1, 2032)

Sec. 20. Preconditions to commencement of procurement. If the Transportation Agency determines to use the design-build project delivery method or the Construction Manager/General Contractor project delivery method for a particular transportation facility, the Transportation Agency may not commence a procurement for the transportation facility until the Transportation Agency has satisfied the following requirements:

(1) the Transportation Agency does one of the following:

(A) the Transportation Agency includes the transportation facility in the Transportation Agency's respective multi-year highway improvement program and designates it as a design-build project delivery method project or Construction Manager/General Contractor project;

(B) the Transportation Agency issues a notice of intent to receive qualifications, that includes a description of the proposed procurement and transportation facility, at least 28 days before the issuance of the request for qualifications, and for a Department-issued notice of intent publishes the notice in the Illinois Transportation Procurement Bulletin and for an

Authority-issued notice of intent publishes the notice in the Illinois Procurement Bulletin; or

(C) for a single-phase procurement authorized under subsection (a) of Section 25 of this Act, the Transportation Agency issues a notice of intent to receive proposals, that includes a description of the proposed procurement and transportation facility, at least 14 days before the issuance of the request for proposals, and for a Department-issued notice of intent publishes the notice in the Illinois Transportation Procurement Bulletin and for an Authority-issued notice of intent publishes the notice in the Illinois Procurement Bulletin; and

(2) the Transportation Agency uses its best efforts to ensure that the transportation facility is consistent with the regional plan in existence at the time of any metropolitan planning organization in which the boundaries of the transportation facility is located, or any other publicly approved ~~publicly approved~~ plan.

(Source: P.A. 102-1094, eff. 6-15-22; revised 8-19-22.)

Section 675. The Juvenile Court Act of 1987 is amended by changing Sections 2-28 and 5-915 as follows:

(705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

Sec. 2-28. Court review.

(1) The court may require any legal custodian or guardian

of the person appointed under this Act to report periodically to the court or may cite him into court and require him or his agency~~,~~ to make a full and accurate report of his or its doings in behalf of the minor. The custodian or guardian, within 10 days after such citation, or earlier if the court determines it to be necessary to protect the health, safety, or welfare of the minor, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in his stead or restore the minor to the custody of his parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian, or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian, or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian, or legal custodian to care for the minor and the court enters an order that such parent, guardian, or legal custodian is fit to care for the

minor.

(1.5) The public agency that is the custodian or guardian of the minor shall file a written report with the court no later than 15 days after a minor in the agency's care remains:

(1) in a shelter placement beyond 30 days;

(2) in a psychiatric hospital past the time when the minor is clinically ready for discharge or beyond medical necessity for the minor's health; or

(3) in a detention center or Department of Juvenile Justice facility solely because the public agency cannot find an appropriate placement for the minor.

The report shall explain the steps the agency is taking to ensure the minor is placed appropriately, how the minor's needs are being met in the minor's shelter placement, and if a future placement has been identified by the Department, why the anticipated placement is appropriate for the needs of the minor and the anticipated placement date.

(1.6) Within 35 days after placing a child in its care in a qualified residential treatment program, as defined by the federal Social Security Act, the Department of Children and Family Services shall file a written report with the court and send copies of the report to all parties. Within 20 days of the filing of the report, the court shall hold a hearing to consider the Department's report and determine whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of

care for the child in the least restrictive environment and if the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child. The court shall approve or disapprove the placement. If applicable, the requirements of Sections 2-27.1 and 2-27.2 must also be met. The Department's written report and the court's written determination shall be included in and made part of the case plan for the child. If the child remains placed in a qualified residential treatment program, the Department shall submit evidence at each status and permanency hearing:

(1) demonstrating that on-going assessment of the strengths and needs of the child continues to support the determination that the child's needs cannot be met through placement in a foster family home, that the placement provides the most effective and appropriate level of care for the child in the least restrictive, appropriate environment, and that the placement is consistent with the short-term and long-term permanency goal for the child, as specified in the permanency plan for the child;

(2) documenting the specific treatment or service needs that should be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(3) the efforts made by the agency to prepare the child to return home or to be placed with a fit and willing

relative, a legal guardian, or an adoptive parent, or in a foster family home.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, regardless of whether an adjudication or dispositional hearing has been completed within that time frame, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety,

or best interest of the child and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the agency's service plan, the agency shall also include a report setting forth (i) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination and (ii) for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living. If not contained in the agency's service plan, the agency's report shall specify if a minor is placed in a licensed child care facility under a corrective plan by the Department due to concerns impacting the minor's safety and well-being. The report shall explain the steps the Department is taking to ensure the safety and

well-being of the minor and that the minor's needs are met in the facility. The agency's written report must detail what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare, and if not, what permanency goal is recommended to be in the best interests of the child, and why the other permanency goals are not appropriate. The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

At the permanency hearing, the court shall determine the future status of the child. The court shall set one of the following permanency goals:

(A) The minor will be returned home by a specific date within 5 months.

(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable

efforts or reasonable progress to date, the court shall identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been deemed inappropriate and not in the child's best interests. The court shall confirm that the Department has discussed adoption, if appropriate, and guardianship with the caregiver prior to changing a goal to guardianship.

(F) The minor over age 15 will be in substitute care pending independence. In selecting this permanency goal, the Department of Children and Family Services may provide services to enable reunification and to strengthen the minor's connections with family, fictive kin, and other responsible adults, provided the services are in the minor's best interest. The services shall be documented in

the service plan.

(G) The minor will be in substitute care because he or she cannot be provided for in a home environment due to developmental disabilities or mental illness or because he or she is a danger to self or others, provided that goals (A) through (D) have been deemed inappropriate and not in the child's best interests.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were deemed inappropriate and not in the child's best interest. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, except as provided in paragraph (F) of this subsection (2), but shall provide services consistent with the goal selected.

(H) Notwithstanding any other provision in this Section, the court may select the goal of continuing foster care as a permanency goal if:

(1) The Department of Children and Family Services has custody and guardianship of the minor;

(2) The court has deemed all other permanency goals inappropriate based on the child's best interest;

(3) The court has found compelling reasons, based on written documentation reviewed by the court, to

place the minor in continuing foster care. Compelling reasons include:

(a) the child does not wish to be adopted or to be placed in the guardianship of his or her relative or foster care placement;

(b) the child exhibits an extreme level of need such that the removal of the child from his or her placement would be detrimental to the child; or

(c) the child who is the subject of the permanency hearing has existing close and strong bonds with a sibling, and achievement of another permanency goal would substantially interfere with the subject child's sibling relationship, taking into consideration the nature and extent of the relationship, and whether ongoing contact is in the subject child's best interest, including long-term emotional interest, as compared with the legal and emotional benefit of permanence;

(4) The child has lived with the relative or foster parent for at least one year; and

(5) The relative or foster parent currently caring for the child is willing and capable of providing the child with a stable and permanent environment.

The court shall set a permanency goal that is in the best interest of the child. In determining that goal, the court

shall consult with the minor in an age-appropriate manner regarding the proposed permanency or transition plan for the minor. The court's determination shall include the following factors:

(1) Age of the child.

(2) Options available for permanence, including both out-of-state and in-state placement options.

(3) Current placement of the child and the intent of the family regarding adoption.

(4) Emotional, physical, and mental status or condition of the child.

(5) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.

(6) Availability of services currently needed and whether the services exist.

(7) Status of siblings of the minor.

The court shall consider (i) the permanency goal contained in the service plan, (ii) the appropriateness of the services contained in the plan and whether those services have been provided, (iii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iv) whether the plan and goal have been achieved. All evidence relevant to determining these questions, including oral and written reports, may be admitted and may be relied on to the extent of their probative value.

The court shall make findings as to whether, in violation of Section 8.2 of the Abused and Neglected Child Reporting Act, any portion of the service plan compels a child or parent to engage in any activity or refrain from any activity that is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect. The services contained in the service plan shall include services reasonably related to remedy the conditions that gave rise to removal of the child from the home of his or her parents, guardian, or legal custodian or that the court has found must be remedied prior to returning the child home. Any tasks the court requires of the parents, guardian, or legal custodian or child prior to returning the child home~~,~~ must be reasonably related to remedying a condition or conditions that gave rise to or which could give rise to any finding of child abuse or neglect.

If the permanency goal is to return home, the court shall make findings that identify any problems that are causing continued placement of the children away from the home and identify what outcomes would be considered a resolution to these problems. The court shall explain to the parents that these findings are based on the information that the court has at that time and may be revised, should additional evidence be presented to the court.

The court shall review the Sibling Contact Support Plan developed or modified under subsection (f) of Section 7.4 of

the Children and Family Services Act, if applicable. If the Department has not convened a meeting to develop or modify a Sibling Contact Support Plan, or if the court finds that the existing Plan is not in the child's best interest, the court may enter an order requiring the Department to develop, modify, or implement a Sibling Contact Support Plan, or order mediation.

If the goal has been achieved, the court shall enter orders that are necessary to conform the minor's legal custody and status to those findings.

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Except as authorized by subsection (2.5) of this Section and as otherwise specifically authorized by law, the court is not empowered under this Section to order specific placements, specific services, or specific service providers to be included in the service plan.

A guardian or custodian appointed by the court pursuant to this Act shall file updated case plans with the court every 6 months.

Rights of wards of the court under this Act are enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(2.5) If, after reviewing the evidence, including evidence from the Department, the court determines that the minor's current or planned placement is not necessary or appropriate to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting its determination and enter specific findings based on the evidence. If the court finds that the minor's current or planned placement is not necessary or appropriate, the court may enter an order directing the Department to implement a recommendation by the minor's treating clinician or a clinician contracted by the Department to evaluate the minor or a recommendation made by the Department. If the Department places a minor in a placement under an order entered under this subsection (2.5), the Department has the authority to remove the minor from that placement when a change in circumstances necessitates the removal to protect the minor's health, safety, and best interest. If the Department determines removal is necessary, the Department shall notify the parties of the planned placement change in writing no later than 10 days prior to the implementation of its determination unless

remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the parties of the placement change in writing immediately following the implementation of its decision. The Department shall notify others of the decision to change the minor's placement as required by Department rule.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsection (2) of this Section and sets forth the following:

(a) The future status of the minor, including the permanency goal, and any order necessary to conform the minor's legal custody and status to such determination; or

(b) If the permanency goal of the minor cannot be achieved immediately, the specific reasons for continuing the minor in the care of the Department of Children and Family Services or other agency for short-term ~~short term~~ placement, and the following determinations:

(i) (Blank).

(ii) Whether the services required by the court and by any service plan prepared within the prior 6 months have been provided and (A) if so, whether the services were reasonably calculated to facilitate the achievement of the permanency goal or (B) if not provided, why the services were not provided.

(iii) Whether the minor's current or planned

placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest, and special needs of the minor and, if the minor is placed out-of-state, whether the out-of-state placement continues to be appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).

(v) (Blank).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his parents or former guardian or custodian.

When return home is not selected as the permanency goal:

(a) The Department, the minor, or the current foster parent or relative caregiver seeking private guardianship may file a motion for private guardianship of the minor. Appointment of a guardian under this Section requires approval of the court.

(b) The State's Attorney may file a motion to terminate parental rights of any parent who has failed to make reasonable efforts to correct the conditions which led to the removal of the child or reasonable progress

toward the return of the child, as defined in subdivision (D)(m) of Section 1 of the Adoption Act or for whom any other unfitness ground for terminating parental rights as defined in subdivision (D) of Section 1 of the Adoption Act exists.

When parental rights have been terminated for a minimum of 3 years and the child who is the subject of the permanency hearing is 13 years old or older and is not currently placed in a placement likely to achieve permanency, the Department of Children and Family Services shall make reasonable efforts to locate parents whose rights have been terminated, except when the Court determines that those efforts would be futile or inconsistent with the subject child's best interests. The Department of Children and Family Services shall assess the appropriateness of the parent whose rights have been terminated, and shall, as appropriate, foster and support connections between the parent whose rights have been terminated and the youth. The Department of Children and Family Services shall document its determinations and efforts to foster connections in the child's case plan.

Custody of the minor shall not be restored to any parent, guardian, or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering his or her health or safety and

it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian, or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety, and best interest of the minor and the fitness of such parent, guardian, or legal custodian to care for the minor and the court enters an order that such parent, guardian, or legal custodian is fit to care for the minor. If a motion is filed to modify or vacate a private guardianship order and return the child to a parent, guardian, or legal custodian, the court may order the Department of Children and Family Services to assess the minor's current and proposed living arrangements and to provide ongoing monitoring of the health, safety, and best interest of the minor during the pendency of the motion to assist the court in making that determination. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his consent until given notice and an opportunity to be heard by the court.

When the court orders a child restored to the custody of

the parent or parents, the court shall order the parent or parents to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan, or risk the loss of custody of the child and possible termination of their parental rights. The court may also enter an order of protective supervision in accordance with Section 2-24.

If the minor is being restored to the custody of a parent, legal custodian, or guardian who lives outside of Illinois, and an Interstate Compact has been requested and refused, the court may order the Department of Children and Family Services to arrange for an assessment of the minor's proposed living arrangement and for ongoing monitoring of the health, safety, and best interest of the minor and compliance with any order of protective supervision entered in accordance with Section 2-24.

(5) Whenever a parent, guardian, or legal custodian files a motion for restoration of custody of the minor, and the minor was adjudicated neglected, abused, or dependent as a result of physical abuse, the court shall cause to be made an investigation as to whether the movant has ever been charged with or convicted of any criminal offense which would indicate the likelihood of any further physical abuse to the minor. Evidence of such criminal convictions shall be taken into account in determining whether the minor can be cared for at home without endangering his or her health or safety and

fitness of the parent, guardian, or legal custodian.

(a) Any agency of this State or any subdivision thereof shall cooperate with the agent of the court in providing any information sought in the investigation.

(b) The information derived from the investigation and any conclusions or recommendations derived from the information shall be provided to the parent, guardian, or legal custodian seeking restoration of custody prior to the hearing on fitness and the movant shall have an opportunity at the hearing to refute the information or contest its significance.

(c) All information obtained from any investigation shall be confidential as provided in Section 5-150 of this Act.

(Source: P.A. 101-63, eff. 10-1-19; 102-193, eff. 7-30-21; 102-489, eff. 8-20-21; 102-813, eff. 5-13-22; revised 8-23-22.)

(705 ILCS 405/5-915)

Sec. 5-915. Expungement of juvenile law enforcement and juvenile court records.

(0.05) (Blank).

(0.1) (a) The Illinois State Police and all law enforcement agencies within the State shall automatically expunge, on or before January 1 of each year, except as described in paragraph (c) of subsection (0.1), all juvenile

law enforcement records relating to events occurring before an individual's 18th birthday if:

(1) one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records;

(2) no petition for delinquency or criminal charges were filed with the clerk of the circuit court relating to the arrest or law enforcement interaction documented in the records; and

(3) 6 months have elapsed since the date of the arrest without an additional subsequent arrest or filing of a petition for delinquency or criminal charges whether related or not to the arrest or law enforcement interaction documented in the records.

(b) If the law enforcement agency is unable to verify satisfaction of conditions (2) and (3) of this subsection (0.1), records that satisfy condition (1) of this subsection (0.1) shall be automatically expunged if the records relate to an offense that if committed by an adult would not be an offense classified as a Class 2 felony or higher, an offense under Article 11 of the Criminal Code of 1961 or Criminal Code of 2012, or an offense under Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

(c) If the juvenile law enforcement record was received through a public submission to a statewide student confidential reporting system administered by the Illinois

State Police, the record will be maintained for a period of 5 years according to all other provisions in subsection (0.1).

(0.15) If a juvenile law enforcement record meets paragraph (a) of subsection (0.1) of this Section, a juvenile law enforcement record created:

(1) prior to January 1, 2018, but on or after January 1, 2013 shall be automatically expunged prior to January 1, 2020;

(2) prior to January 1, 2013, but on or after January 1, 2000, shall be automatically expunged prior to January 1, 2023; and

(3) prior to January 1, 2000 shall not be subject to the automatic expungement provisions of this Act.

Nothing in this subsection (0.15) shall be construed to restrict or modify an individual's right to have his or her juvenile law enforcement records expunged except as otherwise may be provided in this Act.

(0.2) (a) Upon dismissal of a petition alleging delinquency or upon a finding of not delinquent, the successful termination of an order of supervision, or the successful termination of an adjudication for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult, the court shall automatically order the expungement of the juvenile court records and juvenile law enforcement records. The clerk shall deliver a certified copy of the expungement order to the

Illinois State Police and the arresting agency. Upon request, the State's Attorney shall furnish the name of the arresting agency. The expungement shall be completed within 60 business days after the receipt of the expungement order.

(b) If the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed for a pending investigation involving the commission of a felony, that information, and information identifying the juvenile, may be retained until the statute of limitations for the felony has run. If the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain information is needed with respect to an internal investigation of any law enforcement office, that information and information identifying the juvenile may be retained within an intelligence file until the investigation is terminated or the disciplinary action, including appeals, has been completed, whichever is later. Retention of a portion of a juvenile's law enforcement record does not disqualify the remainder of his or her record from immediate automatic expungement.

(0.3) (a) Upon an adjudication of delinquency based on any offense except a disqualified offense, the juvenile court shall automatically order the expungement of the juvenile court and law enforcement records 2 years after the juvenile's case was closed if no delinquency or criminal proceeding is pending and the person has had no subsequent delinquency

adjudication or criminal conviction. The clerk shall deliver a certified copy of the expungement order to the Illinois State Police and the arresting agency. Upon request, the State's Attorney shall furnish the name of the arresting agency. The expungement shall be completed within 60 business days after the receipt of the expungement order. In this subsection (0.3), "disqualified offense" means any of the following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or subsection (b) of Section 8-1, paragraph (4) of subsection (a) of Section 11-14.4, subsection (a-5) of Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or (2) of subsection (a) of Section 12-7.4, subparagraph (i) of paragraph (1) of subsection (a) of Section 12-9, subparagraph (H) of paragraph (3) of subsection (a) of Section 24-1.6, paragraph (1) of subsection (a) of Section 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code of 2012.

(b) If the chief law enforcement officer of the agency, or his or her designee, certifies in writing that certain

information is needed for a pending investigation involving the commission of a felony, that information, and information identifying the juvenile, may be retained in an intelligence file until the investigation is terminated or for one additional year, whichever is sooner. Retention of a portion of a juvenile's juvenile law enforcement record does not disqualify the remainder of his or her record from immediate automatic expungement.

(0.4) Automatic expungement for the purposes of this Section shall not require law enforcement agencies to obliterate or otherwise destroy juvenile law enforcement records that would otherwise need to be automatically expunged under this Act, except after 2 years following the subject arrest for purposes of use in civil litigation against a governmental entity or its law enforcement agency or personnel which created, maintained, or used the records. However, these juvenile law enforcement records shall be considered expunged for all other purposes during this period and the offense, which the records or files concern, shall be treated as if it never occurred as required under Section 5-923.

(0.5) Subsection (0.1) or (0.2) of this Section does not apply to violations of traffic, boating, fish and game laws, or county or municipal ordinances.

(0.6) Juvenile law enforcement records of a plaintiff who has filed civil litigation against the governmental entity or its law enforcement agency or personnel that created,

maintained, or used the records, or juvenile law enforcement records that contain information related to the allegations set forth in the civil litigation may not be expunged until after 2 years have elapsed after the conclusion of the lawsuit, including any appeal.

(0.7) Officer-worn body camera recordings shall not be automatically expunged except as otherwise authorized by the Law Enforcement Officer-Worn Body Camera Act.

(1) Whenever a person has been arrested, charged, or adjudicated delinquent for an incident occurring before his or her 18th birthday that if committed by an adult would be an offense, and that person's juvenile law enforcement and juvenile court records are not eligible for automatic expungement under subsection (0.1), (0.2), or (0.3), the person may petition the court at any time for expungement of juvenile law enforcement records and juvenile court records relating to the incident and, upon termination of all juvenile court proceedings relating to that incident, the court shall order the expungement of all records in the possession of the Illinois State Police, the clerk of the circuit court, and law enforcement agencies relating to the incident, but only in any of the following circumstances:

(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court;

(a-5) the minor was charged with an offense and the petition or petitions were dismissed without a finding of

delinquency;

(b) the minor was charged with an offense and was found not delinquent of that offense;

(c) the minor was placed under supervision under Section 5-615, and the order of supervision has since been successfully terminated; or

(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult.

(1.5) The Illinois State Police shall allow a person to use the Access and Review process, established in the Illinois State Police, for verifying that his or her juvenile law enforcement records relating to incidents occurring before his or her 18th birthday eligible under this Act have been expunged.

(1.6) (Blank).

(1.7) (Blank).

(1.8) (Blank).

(2) Any person whose delinquency adjudications are not eligible for automatic expungement under subsection (0.3) of this Section may petition the court to expunge all juvenile law enforcement records relating to any incidents occurring before his or her 18th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder or an offense under Article 11 of the

Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act at the time he or she petitions the court for expungement; provided that 2 years have elapsed since all juvenile court proceedings relating to him or her have been terminated and his or her commitment to the Department of Juvenile Justice under this Act has been terminated.

(2.5) If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, information regarding this State's expungement laws including a petition to expunge juvenile law enforcement and juvenile court records obtained from the clerk of the circuit court.

(2.6) If a minor is referred to court, then, at the time of sentencing, dismissal of the case, or successful completion of supervision, the judge shall inform the delinquent minor of his or her rights regarding expungement and the clerk of the circuit court shall provide an expungement information packet to the minor, written in plain language, including information regarding this State's expungement laws and a petition for expungement, a sample of a completed petition, expungement

instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she obtains an expungement, he or she may not be required to disclose that he or she had a juvenile law enforcement or juvenile court record, and (iv) if petitioning he or she may file the petition on his or her own or with the assistance of an attorney. The failure of the judge to inform the delinquent minor of his or her right to petition for expungement as provided by law does not create a substantive right, nor is that failure grounds for: (i) a reversal of an adjudication of delinquency; (ii) a new trial; or (iii) an appeal.

(2.7) (Blank).

(2.8) (Blank).

(3) (Blank).

(3.1) (Blank).

(3.2) (Blank).

(3.3) (Blank).

(4) (Blank).

(5) (Blank).

(5.5) Whether or not expunged, records eligible for automatic expungement under subdivision (0.1)(a), (0.2)(a), or (0.3)(a) may be treated as expunged by the individual subject to the records.

(6) (Blank).

(6.5) The Illinois State Police or any employee of the Illinois State Police shall be immune from civil or criminal liability for failure to expunge any records of arrest that are subject to expungement under this Section because of inability to verify a record. Nothing in this Section shall create Illinois State Police liability or responsibility for the expungement of juvenile law enforcement records it does not possess.

(7) (Blank).

(7.5) (Blank).

(8) The expungement of juvenile law enforcement or juvenile court records under subsection (0.1), (0.2), or (0.3) of this Section shall be funded by appropriation by the General Assembly for that purpose.

(9) (Blank).

(10) (Blank).

(Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-752, eff. 1-1-23; revised 8-23-22.)

Section 680. The Criminal Code of 2012 is amended by changing Sections 11-35 and 24-2 as follows:

(720 ILCS 5/11-35) (was 720 ILCS 5/11-7)

Sec. 11-35. Adultery.

(a) A person commits adultery when he or she has sexual intercourse with another not his or her spouse, if the

behavior is open and notorious, and:

(1) the ~~The~~ person is married and knows the other person involved in such intercourse is not his spouse; or

(2) the ~~The~~ person is not married and knows that the other person involved in such intercourse is married.

A person shall be exempt from prosecution under this Section if his liability is based solely on evidence he has given in order to comply with the requirements of Section 4-1.7 of the ~~"The~~ Illinois Public Aid Code~~", approved April 11, 1967, as amended~~.

(b) Sentence.

Adultery is a Class A misdemeanor.

(Source: P.A. 96-1551, eff. 7-1-11; revised 3-16-22.)

(720 ILCS 5/24-2)

Sec. 24-2. Exemptions.

(a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while

commuting between their homes and places of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a private security contractor, private detective, or private alarm

contractor, or employee of a licensed private security contractor, private detective, or private alarm contractor agency and 28 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the private security contractor, private detective, or private alarm contractor, or employee of the licensed private security contractor, private detective, or private alarm contractor agency at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force registered with the Department of Financial and Professional Regulation; provided that such security guard has successfully completed a course of study,

approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 48 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 28 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution as a security guard for the protection of other employees and property related to such financial institution, while

actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, and who, as a security guard, is a member of a security force registered with the Department; provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 48 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 28 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company

providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.

(12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed, if they have received weapons training according to requirements of the Peace Officer and Probation Officer Firearm Training Act.

(13) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.

(a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply to or affect any person carrying a concealed pistol, revolver, or handgun and the person has been issued a currently valid license under the Firearm Concealed Carry Act at the time of the commission of the offense.

(a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply to or affect a qualified current or retired law enforcement officer or a current or retired deputy, county correctional officer, or correctional officer of the Department of Corrections qualified under the laws of this State or under the federal Law Enforcement Officers Safety Act.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are

using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Hunters, trappers, or fishermen while engaged in lawful hunting, trapping, or fishing under the provisions of the Wildlife Code or the Fish and Aquatic Life Code.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

(5) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers while in performance of their official duties.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the

machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for

the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

(7) A person possessing a rifle with a barrel or barrels less than 16 inches in length if: (A) the person has been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B) the person is an active member of a bona fide, nationally recognized military re-enacting group and the modification is required and necessary to accurately portray the weapon for historical re-enactment purposes; the re-enactor is in possession of a valid and current re-enacting group membership credential; and the overall length of the weapon as modified is not less than 26 inches.

(d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.

(e) Subsection 24-1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased

by an exempted manufacturer.

(g-5) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this subsection (g-5). During transportation, these devices shall be detached from any weapon or not immediately accessible.

(g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any parole agent or parole supervisor who meets the qualifications and conditions prescribed in Section 3-14-1.5 of the Unified Code of Corrections.

(g-7) Subsection 24-1(a)(6) does not apply to a peace officer while serving as a member of a tactical response team or special operations team. A peace officer may not personally

own or apply for ownership of a device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. These devices shall be owned and maintained by lawfully recognized units of government whose duties include the investigation of criminal acts.

(g-10) (Blank).

(h) An information or indictment based upon a violation of any subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

(Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22;

102-779, eff. 1-1-23; 102-837, eff. 5-13-22; revised 12-14-22.)

Section 685. The Illinois Controlled Substances Act is amended by changing Section 312 as follows:

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written or electronic prescription of any prescriber, dated and signed by the person prescribing (or electronically validated in compliance with Section 311.5) on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he or she is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the

prescription shall, unless otherwise permitted, write the date of filling and his or her own signature on the face of the written prescription or, alternatively, shall indicate such filling using a unique identifier as defined in paragraph (v) of Section 3 of the Pharmacy Practice Act. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. If the specific prescription is machine or computer generated and printed at the prescriber's office, the date does not need to be handwritten. A prescription for a Schedule II controlled substance shall not be issued for more than a 30 day supply, except as provided in subsection (a-5), and shall be valid for up to 90 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber. A pharmacy shall maintain a policy regarding the type of identification necessary, if any, to receive a prescription in

accordance with State and federal law. The pharmacy must post such information where prescriptions are filled.

(a-5) Physicians may issue multiple prescriptions (3 sequential 30-day supplies) for the same Schedule II controlled substance, authorizing up to a 90-day supply. Before authorizing a 90-day supply of a Schedule II controlled substance, the physician must meet the following conditions:

(1) Each separate prescription must be issued for a legitimate medical purpose by an individual physician acting in the usual course of professional practice.

(2) The individual physician must provide written instructions on each prescription (other than the first prescription, if the prescribing physician intends for the prescription to be filled immediately) indicating the earliest date on which a pharmacy may fill that prescription.

(3) The physician shall document in the medical record of a patient the medical necessity for the amount and duration of the 3 sequential 30-day prescriptions for Schedule II narcotics.

(a-10) Prescribers who issue a prescription for an opioid shall inform the patient that opioids are addictive and that opioid antagonists are available by prescription or from a pharmacy.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule

III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he or she is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his or her own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, a controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his or her patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself or herself to the pharmacist by means of 2 positive documents of identification.

The ~~(3) the~~ dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.

No ~~(4) no~~ person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96-hour ~~96 hour~~ period. The purchaser shall sign a form, approved by the Department of Financial and Professional Regulation, attesting that he or she has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.

~~(5) (Blank).~~

All ~~(6) all~~ records of purchases and sales shall be maintained for not less than 2 years.

No ~~(7) no~~ person shall obtain or attempt to obtain within any consecutive 96-hour ~~96 hour~~ period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

A ~~(8) a~~ person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

No ~~(9) no~~ person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record or log of controlled substances received by him or her and a record of all such controlled substances administered, dispensed or professionally used by him or her otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him or her other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank or electronic prescription issued by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him or her, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or her or the manufacturer, he or she shall securely affix to each package in which that substance is contained a label showing in legible English the name and

address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription Schedule V product or a non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, he or she shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Financial and Professional Regulation. No person shall alter, deface or remove any label so affixed as long as the specific medication remains in the container.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to

him or her by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances that are under the prescriber's direct control is upon the prescriber. The responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not pre-print or cause to be pre-printed a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a pre-printed prescription for any controlled substance.

(i-5) A prescriber may use a machine or electronic device

to individually generate a printed prescription, but the prescriber is still required to affix his or her manual signature.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his or her direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(k) Controlled substances may be mailed if all of the following conditions are met:

(1) The controlled substances are not outwardly dangerous and are not likely, of their own force, to cause injury to a person's life or health.

(2) The inner container of a parcel containing controlled substances must be marked and sealed as required under this Act and its rules, and be placed in a plain outer container or securely wrapped in plain paper.

(3) If the controlled substances consist of prescription medicines, the inner container must be labeled to show the name and address of the pharmacy or practitioner dispensing the prescription.

(4) The outside wrapper or container must be free of markings that would indicate the nature of the contents.

(l) Notwithstanding any other provision of this Act to the contrary, emergency medical services personnel may administer Schedule II, III, IV, or V controlled substances to a person in the scope of their employment without a written, electronic, or oral prescription of a prescriber.

(Source: P.A. 102-1040, eff. 1-1-23; revised 12-30-22.)

Section 690. The Code of Criminal Procedure of 1963 is amended by changing Sections 110-1, 112A-5.5, and 115-11 as follows:

(725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

Sec. 110-1. Definitions. As used in this Article:

(a) (Blank).

(b) "Sureties" encompasses the nonmonetary requirements set by the court as conditions for release either before or after conviction.

(c) The phrase "for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction" means an offense for which

a sentence of imprisonment in the Department of Corrections, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction.

(d)(Blank).

(e) "Protective order" means any order of protection issued under Section 112A-14 of this Code or the Illinois Domestic Violence Act of 1986, a stalking no contact order issued under Section 80 of the Stalking No Contact Order Act, or a civil no contact order issued under Section 213 of the Civil No Contact Order Act.

(f) "Willful flight" means intentional conduct with a purpose to thwart the judicial process to avoid prosecution. Isolated instances of nonappearance in court alone are not evidence of the risk of willful flight. Reoccurrence and patterns of intentional conduct to evade prosecution, along with any affirmative steps to communicate or remedy any such missed court date, may be considered as factors in assessing future intent to evade prosecution.

(Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23; revised 12-13-22.)

(725 ILCS 5/112A-5.5)

Sec. 112A-5.5. Time for filing petition; service on respondent, hearing on petition, and default orders.

(a) A petition for a protective order may be filed at any time, in person ~~in person~~ or online, after a criminal charge

or delinquency petition is filed and before the charge or delinquency petition is dismissed, the defendant or juvenile is acquitted, or the defendant or juvenile completes service of his or her sentence.

(b) The request for an ex parte protective order may be considered without notice to the respondent under Section 112A-17.5 of this Code.

(c) A summons shall be issued and served for a protective order. The summons may be served by delivery to the respondent personally in open court in the criminal or juvenile delinquency proceeding, in the form prescribed by subsection (d) of Supreme Court Rule 101, except that it shall require the respondent to answer or appear within 7 days. Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued.

(d) The summons shall be served by the sheriff or other law enforcement officer at the earliest time available and shall take precedence over any other summons, except those of a similar emergency nature. Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued. Special process servers may be appointed at any time and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers. In a county with a population over

3,000,000, a special process server may not be appointed if the protective order grants the surrender of a child, the surrender of a firearm or Firearm Owner's Identification Card, or the exclusive possession of a shared residence.

(e) If the respondent is not served within 30 days of the filing of the petition, the court shall schedule a court proceeding on the issue of service. Either the petitioner, the petitioner's counsel, or the State's Attorney shall appear and the court shall either order continued attempts at personal service or shall order service by publication, in accordance with Sections 2-203, 2-206, and 2-207 of the Code of Civil Procedure.

(f) The request for a final protective order can be considered at any court proceeding in the delinquency or criminal case after service of the petition. If the petitioner has not been provided notice of the court proceeding at least 10 days in advance of the proceeding, the court shall schedule a hearing on the petition and provide notice to the petitioner.

(f-5) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for a protective order. The court has the discretion to grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner and respondent may appear remotely or in person ~~in-person~~.

The court shall issue and publish a court order, standing

order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(g) Default orders.

(1) A final domestic violence order of protection may be entered by default:

(A) for any of the remedies sought in the petition, if the respondent has been served with documents under subsection (b) or (c) of this Section and if the respondent fails to appear on the specified return date or any subsequent hearing date agreed to by the petitioner and respondent or set by the court; or

(B) for any of the remedies provided under paragraph (1), (2), (3), (5), (6), (7), (8), (9), (10), (11), (14), (15), (17), or (18) of subsection (b) of Section 112A-14 of this Code, or if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(2) A final civil no contact order may be entered by default for any of the remedies provided in Section 112A-14.5 of this Code, if the respondent has been served with documents under subsection (b) or (c) of this Section, and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(3) A final stalking no contact order may be entered by default for any of the remedies provided by Section 112A-14.7 of this Code, if the respondent has been served with documents under subsection (b) or (c) of this Section and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

(725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

Sec. 115-11. In a prosecution for a criminal offense defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, when the alleged victim of the offense was a minor under 18 years of age at the time of the offense, the court may exclude from the proceedings while the victim is testifying, regardless of the

alleged victim's age at the time of the victim's courtroom testimony, all persons, who, in the opinion of the court, do not have a direct interest in the case, except the media. When the court publishes to the trier of fact videos, photographs, or any depiction of a minor under 18 years of age engaged in a sex act, the court may exclude from the proceedings all persons, who, in the opinion of the court, do not have a direct interest in the case, except the media. The court shall enter its finding that particular parties are disinterested and the basis for that finding into the record.

(Source: P.A. 102-994, eff. 5-27-22; revised 8-19-22.)

Section 695. The Unified Code of Corrections is amended by changing Sections 3-5-1, 3-6-3, 3-6-7.3, and 3-7-2 as follows:

(730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

Sec. 3-5-1. Master Record File.

(a) The Department of Corrections and the Department of Juvenile Justice shall maintain a master record file on each person committed to it, which shall contain the following information:

(1) all information from the committing court;

(1.5) ethnic and racial background data collected in accordance with Section 4.5 of the Criminal Identification Act;

(2) reception summary;

(3) evaluation and assignment reports and recommendations;

(4) reports as to program assignment and progress;

(5) reports of disciplinary infractions and disposition, including tickets and Administrative Review Board action;

(6) any parole or aftercare release plan;

(7) any parole or aftercare release reports;

(8) the date and circumstances of final discharge;

(9) criminal history;

(10) current and past gang affiliations and ranks;

(11) information regarding associations and family relationships;

(12) any grievances filed and responses to those grievances; and

(13) other information that the respective Department determines is relevant to the secure confinement and rehabilitation of the committed person.

(b) All files shall be confidential and access shall be limited to authorized personnel of the respective Department or by disclosure in accordance with a court order or subpoena. Personnel of other correctional, welfare or law enforcement agencies may have access to files under rules and regulations of the respective Department. The respective Department shall keep a record of all outside personnel who have access to files, the files reviewed, any file material copied, and the

purpose of access. If the respective Department or the Prisoner Review Board makes a determination under this Code which affects the length of the period of confinement or commitment, the committed person and his counsel shall be advised of factual information relied upon by the respective Department or Board to make the determination, provided that the Department or Board shall not be required to advise a person committed to the Department of Juvenile Justice any such information which in the opinion of the Department of Juvenile Justice or Board would be detrimental to his treatment or rehabilitation.

(c) The master file shall be maintained at a place convenient to its use by personnel of the respective Department in charge of the person. When custody of a person is transferred from the Department to another department or agency, a summary of the file shall be forwarded to the receiving agency with such other information required by law or requested by the agency under rules and regulations of the respective Department.

(d) The master file of a person no longer in the custody of the respective Department shall be placed on inactive status and its use shall be restricted subject to rules and regulations of the Department.

(e) All public agencies may make available to the respective Department on request any factual data not otherwise privileged as a matter of law in their possession in

respect to individuals committed to the respective Department.

(f) A committed person may request a summary of the committed person's master record file once per year and the committed person's attorney may request one summary of the committed person's master record file once per year. The Department shall create a form for requesting this summary, and shall make that form available to committed persons and to the public on its website. Upon receipt of the request form, the Department shall provide the summary within 15 days. The summary must contain, unless otherwise prohibited by law:

(1) the person's name, ethnic, racial, and other identifying information;

(2) all digitally available information from the committing court;

(3) all information in the Offender 360 system on the person's criminal history;

(4) the person's complete assignment history in the Department of Corrections;

(5) the person's disciplinary card;

(6) additional records about up to 3 specific disciplinary incidents as identified by the requester;

(7) any available records about up to 5 specific grievances filed by the person, as identified by the requester; and

(8) the records of all grievances filed on or after January 1, 2023.

Notwithstanding any provision of this subsection (f) to the contrary, a committed person's master record file is not subject to disclosure and copying under the Freedom of Information Act.

(Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22; revised 12-14-22.)

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

Sec. 3-6-3. Rules and regulations for sentence credit.

(a)(1) The Department of Corrections shall prescribe rules and regulations for awarding and revoking sentence credit for persons committed to the Department of Corrections and the Department of Juvenile Justice shall prescribe rules and regulations for awarding and revoking sentence credit for persons committed to the Department of Juvenile Justice under Section 5-8-6 of the Unified Code of Corrections, which shall be subject to review by the Prisoner Review Board.

(1.5) As otherwise provided by law, sentence credit may be awarded for the following:

(A) successful completion of programming while in custody of the Department of Corrections or the Department of Juvenile Justice or while in custody prior to sentencing;

(B) compliance with the rules and regulations of the Department; or

(C) service to the institution, service to a

community, or service to the State.

(2) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or with respect to offense listed in clause (vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or with respect to the offense of being an armed habitual criminal committed on or after August 2, 2005 (the effective date of Public Act 94-398) or with respect to the offenses listed in clause (v) of this paragraph (2) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or with respect to the offense of aggravated domestic battery committed on or after July 23, 2010 (the effective date of Public Act 96-1224) or with respect to the offense of attempt to commit terrorism committed on or after January 1, 2013 (the effective date of Public Act 97-990), the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no sentence credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit terrorism, attempt to commit first degree murder,

solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05, being an armed habitual criminal, aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05, or aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(iv) that a prisoner serving a sentence for aggravated

discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(v) that a person serving a sentence for gunrunning, narcotics racketeering, controlled substance trafficking, methamphetamine trafficking, drug-induced homicide, aggravated methamphetamine-related child endangerment, money laundering pursuant to clause (c) (4) or (5) of Section 29B-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or a Class X felony conviction for delivery of a controlled substance, possession of a controlled substance with intent to manufacture or deliver, calculated criminal drug conspiracy, criminal drug conspiracy, street gang criminal drug conspiracy, participation in methamphetamine manufacturing, aggravated participation in methamphetamine manufacturing, delivery of methamphetamine, possession with intent to deliver methamphetamine, aggravated delivery of methamphetamine, aggravated possession with intent to deliver methamphetamine, methamphetamine conspiracy when the substance containing the controlled substance or methamphetamine is 100 grams or more shall receive no more than 7.5 days sentence credit for each month of his or her sentence of imprisonment;

(vi) that a prisoner serving a sentence for a second or subsequent offense of luring a minor shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment; and

(vii) that a prisoner serving a sentence for aggravated domestic battery shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a)(2)(vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a)(2)(vii) committed on or after July 23, 2010 (the effective date of Public Act 96-1224), and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of

Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of sentence credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of sentence credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no sentence credit.

(2.3) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.4) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report

of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.5) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.6) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(3) In addition to the sentence credits earned under

paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this subsection (a), the rules and regulations shall also provide that the Director of Corrections or the Director of Juvenile Justice may award up to 180 days of earned sentence credit for prisoners serving a sentence of incarceration of less than 5 years, and up to 365 days of earned sentence credit for prisoners serving a sentence of 5 years or longer. The Director may grant this credit for good conduct in specific instances as either Director deems proper for eligible persons in the custody of each Director's respective Department. The good conduct may include, but is not limited to, compliance with the rules and regulations of the Department, service to the Department, service to a community, or service to the State.

Eligible inmates for an award of earned sentence credit under this paragraph (3) may be selected to receive the credit at either Director's or his or her designee's sole discretion. Eligibility for the additional earned sentence credit under this paragraph (3) may be based on, but is not limited to, participation in programming offered by the Department as appropriate for the prisoner based on the results of any available risk/needs assessment or other relevant assessments or evaluations administered by the Department using a validated instrument, the circumstances of the crime, demonstrated commitment to rehabilitation by a prisoner with a history of conviction for a forcible felony enumerated in

Section 2-8 of the Criminal Code of 2012, the inmate's behavior and improvements in disciplinary history while incarcerated, and the inmate's commitment to rehabilitation, including participation in programming offered by the Department.

The Director of Corrections or the Director of Juvenile Justice shall not award sentence credit under this paragraph (3) to an inmate unless the inmate has served a minimum of 60 days of the sentence; except nothing in this paragraph shall be construed to permit either Director to extend an inmate's sentence beyond that which was imposed by the court. Prior to awarding credit under this paragraph (3), each Director shall make a written determination that the inmate:

(A) is eligible for the earned sentence credit;

(B) has served a minimum of 60 days, or as close to 60 days as the sentence will allow;

(B-1) has received a risk/needs assessment or other relevant evaluation or assessment administered by the Department using a validated instrument; and

(C) has met the eligibility criteria established by rule for earned sentence credit.

The Director of Corrections or the Director of Juvenile Justice shall determine the form and content of the written determination required in this subsection.

(3.5) The Department shall provide annual written reports to the Governor and the General Assembly on the award of earned

sentence credit no later than February 1 of each year. The Department must publish both reports on its website within 48 hours of transmitting the reports to the Governor and the General Assembly. The reports must include:

(A) the number of inmates awarded earned sentence credit;

(B) the average amount of earned sentence credit awarded;

(C) the holding offenses of inmates awarded earned sentence credit; and

(D) the number of earned sentence credit revocations.

(4)(A) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall also provide that any prisoner who is engaged full-time in substance abuse programs, correctional industry assignments, educational programs, work-release programs or activities in accordance with Article 13 of Chapter III of this Code, behavior modification programs, life skills courses, or re-entry planning provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall receive one day of sentence credit for each day in which that prisoner is engaged in the activities described in this paragraph. The rules and regulations shall also provide that sentence credit may be provided to an inmate who was held in pre-trial detention prior to his or her current commitment to the

Department of Corrections and successfully completed a full-time, 60-day or longer substance abuse program, educational program, behavior modification program, life skills course, or re-entry planning provided by the county department of corrections or county jail. Calculation of this county program credit shall be done at sentencing as provided in Section 5-4.5-100 of this Code and shall be included in the sentencing order. The rules and regulations shall also provide that sentence credit may be provided to an inmate who is in compliance with programming requirements in an adult transition center.

(B) The Department shall award sentence credit under this paragraph (4) accumulated prior to January 1, 2020 (the effective date of Public Act 101-440) in an amount specified in subparagraph (C) of this paragraph (4) to an inmate serving a sentence for an offense committed prior to June 19, 1998, if the Department determines that the inmate is entitled to this sentence credit, based upon:

(i) documentation provided by the Department that the inmate engaged in any full-time substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the Department under this paragraph (4) and satisfactorily completed the assigned program as determined by the standards of the Department during the inmate's current term of incarceration; or

(ii) the inmate's own testimony in the form of an affidavit or documentation, or a third party's documentation or testimony in the form of an affidavit that the inmate likely engaged in any full-time substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the Department under paragraph (4) and satisfactorily completed the assigned program as determined by the standards of the Department during the inmate's current term of incarceration.

(C) If the inmate can provide documentation that he or she is entitled to sentence credit under subparagraph (B) in excess of 45 days of participation in those programs, the inmate shall receive 90 days of sentence credit. If the inmate cannot provide documentation of more than 45 days of participation in those programs, the inmate shall receive 45 days of sentence credit. In the event of a disagreement between the Department and the inmate as to the amount of credit accumulated under subparagraph (B), if the Department provides documented proof of a lesser amount of days of participation in those programs, that proof shall control. If the Department provides no documentary proof, the inmate's proof as set forth in clause (ii) of subparagraph (B) shall control as to the amount of sentence credit provided.

(D) If the inmate has been convicted of a sex offense as

defined in Section 2 of the Sex Offender Registration Act, sentencing credits under subparagraph (B) of this paragraph (4) shall be awarded by the Department only if the conditions set forth in paragraph (4.6) of subsection (a) are satisfied. No inmate serving a term of natural life imprisonment shall receive sentence credit under subparagraph (B) of this paragraph (4).

Educational, vocational, substance abuse, behavior modification programs, life skills courses, re-entry planning, and correctional industry programs under which sentence credit may be earned under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The rules and regulations shall provide that a prisoner who has been placed on a waiting list but is transferred for non-disciplinary reasons before beginning a program shall receive priority placement on the waitlist for appropriate programs at the new

facility. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate. The rules and regulations shall provide that a prisoner who begins an educational, vocational, substance abuse, work-release programs or activities in accordance with Article 13 of Chapter III of this Code, behavior modification program, life skills course, re-entry planning, or correctional industry programs but is unable to complete the program due to illness, disability, transfer, lockdown, or another reason outside of the prisoner's control shall receive prorated sentence credits for the days in which the prisoner did participate.

(4.1) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall also provide that an additional 90 days of sentence credit shall be awarded to any prisoner who passes high school equivalency testing while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph shall be

available only to those prisoners who have not previously earned a high school diploma or a State of Illinois High School Diploma. If, after an award of the high school equivalency testing sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 90 days of sentence credit to any committed person who passed high school equivalency testing while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections. Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 120 days of sentence credit shall be awarded to any prisoner who obtains an associate degree while the prisoner is committed to the Department of Corrections, regardless of the date that the associate degree was obtained, including if prior to July 1, 2021 (the effective date of Public Act 101-652). The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph (4.1) shall be available only to those prisoners who have not previously earned an associate degree prior to the current commitment to the Department of Corrections. If, after an award of the associate degree sentence credit has been made

and the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 120 days of sentence credit to any committed person who earned an associate degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 180 days of sentence credit shall be awarded to any prisoner who obtains a bachelor's degree while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of this subsection (a). The sentence credit provided for in this paragraph shall be available only to those prisoners who have not earned a bachelor's degree prior to the current commitment to the Department of Corrections. If, after an award of the bachelor's degree sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 180 days of sentence credit to any committed person who earned a bachelor's degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 180 days of sentence credit shall be awarded to any prisoner who obtains a master's or professional degree while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of this subsection (a). The sentence credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a master's or professional degree prior to the current commitment to the Department of Corrections. If, after an award of the master's or professional degree sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 180 days of sentence credit to any committed person who earned a master's or professional degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

(4.2) The rules and regulations shall also provide that any prisoner engaged in self-improvement programs, volunteer work, or work assignments that are not otherwise eligible activities under paragraph (4), shall receive up to 0.5 days of sentence credit for each day in which the prisoner is

engaged in activities described in this paragraph.

(4.5) The rules and regulations on sentence credit shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no sentence credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director of Corrections may waive the requirement to participate in or complete a substance abuse treatment program in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive sentence credit under clause (3) of this subsection (a) at the

discretion of the Director.

(4.6) The rules and regulations on sentence credit shall also provide that a prisoner who has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall receive no sentence credit unless he or she either has successfully completed or is participating in sex offender treatment as defined by the Sex Offender Management Board. However, prisoners who are waiting to receive treatment, but who are unable to do so due solely to the lack of resources on the part of the Department, may, at either Director's sole discretion, be awarded sentence credit at a rate as the Director shall determine.

(4.7) On or after January 1, 2018 (the effective date of Public Act 100-3), sentence credit under paragraph (3), (4), or (4.1) of this subsection (a) may be awarded to a prisoner who is serving a sentence for an offense described in paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned on or after January 1, 2018 (the effective date of Public Act 100-3); provided, the award of the credits under this paragraph (4.7) shall not reduce the sentence of the prisoner to less than the following amounts:

(i) 85% of his or her sentence if the prisoner is required to serve 85% of his or her sentence; or

(ii) 60% of his or her sentence if the prisoner is required to serve 75% of his or her sentence, except if the prisoner is serving a sentence for gunrunning his or her

sentence shall not be reduced to less than 75%.

(iii) 100% of his or her sentence if the prisoner is required to serve 100% of his or her sentence.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of earned sentence credit under paragraph (3) of subsection (a) of this Section given at any time during the term, the Department shall give reasonable notice of the impending release not less than 14 days prior to the date of the release to the State's Attorney of the county where the prosecution of the inmate took place, and if applicable, the State's Attorney of the county into which the inmate will be released. The Department must also make identification information and a recent photo of the inmate being released accessible on the Internet by means of a hyperlink labeled "Community Notification of Inmate Early Release" on the Department's World Wide Web homepage. The identification information shall include the inmate's: name, any known alias, date of birth, physical characteristics, commitment offense, and county where conviction was imposed. The identification information shall be placed on the website within 3 days of the inmate's release and the information may not be removed until either: completion of the first year of mandatory supervised release or return of the inmate to custody of the Department.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences

shall be construed under Section 5-8-4 in granting and forfeiting of sentence credit.

(c) (1) The Department shall prescribe rules and regulations for revoking sentence credit, including revoking sentence credit awarded under paragraph (3) of subsection (a) of this Section. The Department shall prescribe rules and regulations establishing and requiring the use of a sanctions matrix for revoking sentence credit. The Department shall prescribe rules and regulations for suspending or reducing the rate of accumulation of sentence credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of sentence credit for any one infraction.

(2) When the Department seeks to revoke, suspend, or reduce the rate of accumulation of any sentence credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of sentence credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days, whether from one infraction or cumulatively from multiple infractions arising out of a single event, or when, during any 12-month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of sentence credit. The

Board may subsequently approve the revocation of additional sentence credit, if the Department seeks to revoke sentence credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of sentence credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

(3) The Director of Corrections or the Director of Juvenile Justice, in appropriate cases, may restore sentence credits which have been revoked, suspended, or reduced. The Department shall prescribe rules and regulations governing the restoration of sentence credits. These rules and regulations shall provide for the automatic restoration of sentence credits following a period in which the prisoner maintains a record without a disciplinary violation.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of sentence credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall

conduct a hearing to revoke up to 180 days of sentence credit by bringing charges against the prisoner sought to be deprived of the sentence credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of sentence credit at the time of the finding, then the Prisoner Review Board may revoke all sentence credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;

(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support

after a reasonable opportunity for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act, an action under the federal Civil Rights Act (42 U.S.C. 1983), or a second or subsequent petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 whether filed with or without leave of court or a second or subsequent petition for relief from judgment under Section 2-1401 of the Code of Civil Procedure.

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.

(f) Whenever the Department is to release any inmate who has been convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, earlier than it otherwise would because of a grant of sentence credit, the Department, as a condition of release, shall require that the person, upon release, be placed under electronic surveillance as provided

in Section 5-8A-7 of this Code.

(Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

(730 ILCS 5/3-6-7.3)

Sec. 3-6-7.3. Committed person post-partum recovery requirements. The Department shall ensure that, for a period of 72 hours after the birth of an infant by a ~~an~~ committed person:

(1) the infant is allowed to remain with the committed person, unless a medical professional determines doing so would pose a health or safety risk to the committed person or infant based on information only available to the Department. The mental health professional shall make any such determination on an individualized basis and in consultation with the birthing team of the pregnant person and the Chief of the Women's Division. The birthing team shall include the committed person's perinatal care providers and doula, if available; and

(2) the committed person has access to any nutritional or hygiene-related products necessary to care for the infant, including diapers.

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; revised 2-28-22.)

(730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

(Text of Section before amendment by P.A. 102-1111)

Sec. 3-7-2. Facilities.

(a) All institutions and facilities of the Department shall provide every committed person with access to toilet facilities, barber facilities, bathing facilities at least once each week, a library of legal materials and published materials including newspapers and magazines approved by the Director. A committed person may not receive any materials that the Director deems pornographic.

(b) (Blank).

(c) All institutions and facilities of the Department shall provide facilities for every committed person to leave his cell for at least one hour each day unless the chief administrative officer determines that it would be harmful or dangerous to the security or safety of the institution or facility.

(d) All institutions and facilities of the Department shall provide every committed person with a wholesome and nutritional diet at regularly scheduled hours, drinking water, clothing adequate for the season, bedding, soap and towels and medical and dental care.

(e) All institutions and facilities of the Department shall permit every committed person to send and receive an unlimited number of uncensored letters, provided, however, that the Director may order that mail be inspected and read for

reasons of the security, safety or morale of the institution or facility.

(f) All of the institutions and facilities of the Department shall permit every committed person to receive in-person visitors and video contact, if available, except in case of abuse of the visiting privilege or when the chief administrative officer determines that such visiting would be harmful or dangerous to the security, safety or morale of the institution or facility. Each committed person is entitled to 7 visits per month. Every committed person may submit a list of at least 30 persons to the Department that are authorized to visit the committed person. The list shall be kept in an electronic format by the Department beginning on August 1, 2019, as well as available in paper form for Department employees. The chief administrative officer shall have the right to restrict visitation to non-contact visits, video, or other forms of non-contact visits for reasons of safety, security, and order, including, but not limited to, restricting contact visits for committed persons engaged in gang activity. No committed person in a super maximum security facility or on disciplinary segregation is allowed contact visits. Any committed person found in possession of illegal drugs or who fails a drug test shall not be permitted contact visits for a period of at least 6 months. Any committed person involved in gang activities or found guilty of assault committed against a Department employee shall not be permitted

contact visits for a period of at least 6 months. The Department shall offer every visitor appropriate written information concerning HIV and AIDS, including information concerning how to contact the Illinois Department of Public Health for counseling information. The Department shall develop the written materials in consultation with the Department of Public Health. The Department shall ensure that all such information and materials are culturally sensitive and reflect cultural diversity as appropriate. Implementation of the changes made to this Section by Public Act 94-629 is subject to appropriation. The Department shall seek the lowest possible cost to provide video calling and shall charge to the extent of recovering any demonstrated costs of providing video calling. The Department shall not make a commission or profit from video calling services. Nothing in this Section shall be construed to permit video calling instead of in-person visitation.

(f-5) (Blank).

(f-10) The Department may not restrict or limit in-person visits to committed persons due to the availability of interactive video conferences.

(f-15)(1) The Department shall issue a standard written policy for each institution and facility of the Department that provides for:

(A) the number of in-person visits each committed person is entitled to per week and per month including the

requirements of subsection (f) of this Section;

(B) the hours of in-person visits;

(C) the type of identification required for visitors at least 18 years of age; and

(D) the type of identification, if any, required for visitors under 18 years of age.

(2) This policy shall be posted on the Department website and at each facility.

(3) The Department shall post on its website daily any restrictions or denials of visitation for that day and the succeeding 5 calendar days, including those based on a lockdown of the facility, to inform family members and other visitors.

(g) All institutions and facilities of the Department shall permit religious ministrations and sacraments to be available to every committed person, but attendance at religious services shall not be required.

(h) Within 90 days after December 31, 1996, the Department shall prohibit the use of curtains, cell-coverings, or any other matter or object that obstructs or otherwise impairs the line of vision into a committed person's cell.

(i) A point of contact person appointed under subsection (u-6) of Section 3-2-2 of this Code shall promptly and efficiently review suggestions, complaints, and other requests made by visitors to institutions and facilities of the Department and by other members of the public. Based on the

nature of the submission, the point of contact person shall communicate with the appropriate division of the Department, disseminate the concern or complaint, and act as liaison between the parties to reach a resolution.

(1) The point of contact person shall maintain information about the subject matter of each correspondence, including, but not limited to, information about the following subjects:

(A) the parties making the submission;

(B) any commissary-related concerns;

(C) any concerns about the institution or facility's COVID protocols and mitigations;

(D) any concerns about mail, video, or electronic messages or other communications with incarcerated persons;

(E) any concerns about the institution or facility;

(F) any discipline-related concerns;

(G) any concerns about earned sentencing credits;

(H) any concerns about educational opportunities for incarcerated persons;

(I) any concerns about health-related matters;

(J) any mental health concerns;

(K) any concerns about personal property;

(L) any concerns about the records of the incarcerated person;

(M) any concerns about recreational opportunities for incarcerated persons;

(N) any staffing-related concerns;

(O) any concerns about the transfer of individuals in custody;

(P) any concerns about visitation; and

(Q) any concerns about work opportunities for incarcerated persons.

The information shall be maintained in accordance with standards set by the Department of Corrections, and shall be made available to the Department's Planning and Research Division. The point of contact person shall provide a summary of the results of the review, including any resolution or recommendations made as a result of correspondence with the Planning and Research Division of the Department.

(2) The Department shall provide an annual written report to the General Assembly and the Governor, with the first report due no later than January 1, 2023, and publish the report on its website within 48 hours after the report is transmitted to the Governor and the General Assembly. The report shall include a summary of activities undertaken and completed as a result of submissions to the point of contact person. The Department of Corrections shall collect and report the following aggregated and disaggregated data for each institution and facility and

describe:

(A) the work of the point of contact person;

(B) the general nature of suggestions, complaints, and other requests submitted to the point of contact person;

(C) the volume of emails, calls, letters, and other correspondence received by the point of contact person;

(D) the resolutions reached or recommendations made as a result of the point of contact person's review;

(E) whether, if an investigation is recommended, a report of the complaint was forwarded to the Chief Inspector of the Department or other Department employee, and the resolution of the complaint, and if the investigation has not concluded, a detailed status report on the complaint; and

(F) any recommendations that the point of contact person has relating to systemic issues in the Department of Corrections, and any other matters for consideration by the General Assembly and the Governor.

The name, address, or other personally identifiable information of a person who files a complaint, suggestion, or other request with the point of contact person, and confidential records shall be redacted from the annual

report and are not subject to disclosure under the Freedom of Information Act. The Department shall disclose the records only if required by a court order on a showing of good cause.

(3) The Department must post in a conspicuous place in the waiting area of every facility or institution a sign that contains in bold, black type the following:

(A) a short statement notifying visitors of the point of contact person and that person's duty to receive suggestions, complaints, or other requests; and

(B) information on how to submit suggestions, complaints, or other requests to the point of contact person.

(Source: P.A. 102-1082, eff. 6-10-22.)

(Text of Section after amendment by P.A. 102-1111)

Sec. 3-7-2. Facilities.

(a) All institutions and facilities of the Department shall provide every committed person with access to toilet facilities, barber facilities, bathing facilities at least once each week, a library of legal materials and published materials including newspapers and magazines approved by the Director. A committed person may not receive any materials that the Director deems pornographic.

(b) (Blank).

(c) All institutions and facilities of the Department shall provide facilities for every committed person to leave his cell for at least one hour each day unless the chief administrative officer determines that it would be harmful or dangerous to the security or safety of the institution or facility.

(d) All institutions and facilities of the Department shall provide every committed person with a wholesome and nutritional diet at regularly scheduled hours, drinking water, clothing adequate for the season, including underwear, bedding, soap and towels and medical and dental care. Underwear provided to each committed person in all institutions and facilities of the Department shall be free of charge and shall be provided at any time upon request, including multiple requests, of the committed person or as needed by the committed person.

(e) All institutions and facilities of the Department shall permit every committed person to send and receive an unlimited number of uncensored letters, provided, however, that the Director may order that mail be inspected and read for reasons of the security, safety or morale of the institution or facility.

(f) All of the institutions and facilities of the Department shall permit every committed person to receive in-person visitors and video contact, if available, except in case of abuse of the visiting privilege or when the chief

administrative officer determines that such visiting would be harmful or dangerous to the security, safety or morale of the institution or facility. Each committed person is entitled to 7 visits per month. Every committed person may submit a list of at least 30 persons to the Department that are authorized to visit the committed person. The list shall be kept in an electronic format by the Department beginning on August 1, 2019, as well as available in paper form for Department employees. The chief administrative officer shall have the right to restrict visitation to non-contact visits, video, or other forms of non-contact visits for reasons of safety, security, and order, including, but not limited to, restricting contact visits for committed persons engaged in gang activity. No committed person in a super maximum security facility or on disciplinary segregation is allowed contact visits. Any committed person found in possession of illegal drugs or who fails a drug test shall not be permitted contact visits for a period of at least 6 months. Any committed person involved in gang activities or found guilty of assault committed against a Department employee shall not be permitted contact visits for a period of at least 6 months. The Department shall offer every visitor appropriate written information concerning HIV and AIDS, including information concerning how to contact the Illinois Department of Public Health for counseling information. The Department shall develop the written materials in consultation with the

Department of Public Health. The Department shall ensure that all such information and materials are culturally sensitive and reflect cultural diversity as appropriate. Implementation of the changes made to this Section by Public Act 94-629 is subject to appropriation. The Department shall seek the lowest possible cost to provide video calling and shall charge to the extent of recovering any demonstrated costs of providing video calling. The Department shall not make a commission or profit from video calling services. Nothing in this Section shall be construed to permit video calling instead of in-person visitation.

(f-5) (Blank).

(f-10) The Department may not restrict or limit in-person visits to committed persons due to the availability of interactive video conferences.

(f-15)(1) The Department shall issue a standard written policy for each institution and facility of the Department that provides for:

(A) the number of in-person visits each committed person is entitled to per week and per month including the requirements of subsection (f) of this Section;

(B) the hours of in-person visits;

(C) the type of identification required for visitors at least 18 years of age; and

(D) the type of identification, if any, required for visitors under 18 years of age.

(2) This policy shall be posted on the Department website and at each facility.

(3) The Department shall post on its website daily any restrictions or denials of visitation for that day and the succeeding 5 calendar days, including those based on a lockdown of the facility, to inform family members and other visitors.

(g) All institutions and facilities of the Department shall permit religious ministrations and sacraments to be available to every committed person, but attendance at religious services shall not be required.

(h) Within 90 days after December 31, 1996, the Department shall prohibit the use of curtains, cell-coverings, or any other matter or object that obstructs or otherwise impairs the line of vision into a committed person's cell.

(i) A point of contact person appointed under subsection (u-6) of Section 3-2-2 of this Code shall promptly and efficiently review suggestions, complaints, and other requests made by visitors to institutions and facilities of the Department and by other members of the public. Based on the nature of the submission, the point of contact person shall communicate with the appropriate division of the Department, disseminate the concern or complaint, and act as liaison between the parties to reach a resolution.

(1) The point of contact person shall maintain information about the subject matter of each

correspondence, including, but not limited to, information about the following subjects:

(A) the parties making the submission;

(B) any commissary-related concerns;

(C) any concerns about the institution or facility's COVID protocols and mitigations;

(D) any concerns about mail, video, or electronic messages or other communications with incarcerated persons;

(E) any concerns about the institution or facility;

(F) any discipline-related concerns;

(G) any concerns about earned sentencing credits;

(H) any concerns about educational opportunities for incarcerated persons;

(I) any concerns about health-related matters;

(J) any mental health concerns;

(K) any concerns about personal property;

(L) any concerns about the records of the incarcerated person;

(M) any concerns about recreational opportunities for incarcerated persons;

(N) any staffing-related concerns;

(O) any concerns about the transfer of individuals in custody;

(P) any concerns about visitation; and

(Q) any concerns about work opportunities for incarcerated persons.

The information shall be maintained in accordance with standards set by the Department of Corrections, and shall be made available to the Department's Planning and Research Division. The point of contact person shall provide a summary of the results of the review, including any resolution or recommendations made as a result of correspondence with the Planning and Research Division of the Department.

(2) The Department shall provide an annual written report to the General Assembly and the Governor, with the first report due no later than January 1, 2023, and publish the report on its website within 48 hours after the report is transmitted to the Governor and the General Assembly. The report shall include a summary of activities undertaken and completed as a result of submissions to the point of contact person. The Department of Corrections shall collect and report the following aggregated and disaggregated data for each institution and facility and describe:

(A) the work of the point of contact person;

(B) the general nature of suggestions, complaints, and other requests submitted to the point of contact person;

(C) the volume of emails, calls, letters, and

other correspondence received by the point of contact person;

(D) the resolutions reached or recommendations made as a result of the point of contact person's review;

(E) whether, if an investigation is recommended, a report of the complaint was forwarded to the Chief Inspector of the Department or other Department employee, and the resolution of the complaint, and if the investigation has not concluded, a detailed status report on the complaint; and

(F) any recommendations that the point of contact person has relating to systemic issues in the Department of Corrections, and any other matters for consideration by the General Assembly and the Governor.

The name, address, or other personally identifiable information of a person who files a complaint, suggestion, or other request with the point of contact person, and confidential records shall be redacted from the annual report and are not subject to disclosure under the Freedom of Information Act. The Department shall disclose the records only if required by a court order on a showing of good cause.

(3) The Department must post in a conspicuous place in the waiting area of every facility or institution a sign

that contains in bold, black type the following:

(A) a short statement notifying visitors of the point of contact person and that person's duty to receive suggestions, complaints, or other requests; and

(B) information on how to submit suggestions, complaints, or other requests to the point of contact person.

(j) ~~(i)~~ Menstrual hygiene products shall be available, as needed, free of charge, at all institutions and facilities of the Department for all committed persons who menstruate. In this subsection (j) ~~(i)~~, "menstrual hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

(Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23; revised 1-8-23.)

Section 700. The Illinois Substance Abuse Treatment Program is amended by changing Section 1 as follows:

(730 ILCS 145/1) (from Ch. 38, par. 1531)

Sec. 1. Short Title. This Act shall be known and may be cited as the Illinois Substance Abuse Treatment Program Act.

(Source: P.A. 86-1320; revised 2-28-22.)

Section 705. The Veterans and Servicemembers Court

Treatment Act is amended by changing Section 20 as follows:

(730 ILCS 167/20)

Sec. 20. Eligibility. Veterans and servicemembers are eligible for veterans and servicemembers courts, provided the following:

(a) A defendant may be admitted into a veterans and servicemembers court program only upon the consent of the defendant and with the approval of the court. A defendant agrees to be admitted when a written consent to participate is provided to the court in open court and the defendant acknowledges understanding of its contents.

(a-5) Each veterans and servicemembers court shall have a target population defined in its written policies and procedures. The policies and procedures shall define that court's eligibility and exclusionary criteria.

(b) A defendant shall be excluded from a veterans ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~ program if any of one of the following applies:

(1) The crime is a crime of violence as set forth in paragraph (3) of this subsection (b).

(2) The defendant does not demonstrate a willingness to participate in a treatment program.

(3) The defendant has been convicted of a crime of violence within the past 5 years excluding incarceration time, parole, and periods of mandatory

supervised release. As used in this paragraph, "crime of violence" means: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping and kidnapping, aggravated battery resulting in great bodily harm or permanent disability, aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking, aggravated stalking, home invasion, aggravated vehicular hijacking, or any offense involving the discharge of a firearm.

(4) The defendant is charged with a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation.

(5) (Blank).

(6) (Blank).

(c) Notwithstanding subsection (a), the defendant may be admitted into a veterans and servicemembers court program only upon the agreement of the prosecutor if the defendant is charged with a Class 2 or greater felony violation of:

(1) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;

(2) Section 5, 5.1, or 5.2 of the Cannabis Control Act; or

(3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act.

(Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22; revised 8-19-22.)

Section 710. The Eminent Domain Act is amended by changing Sections 15-5-35 and 15-5-48 as follows:

(735 ILCS 30/15-5-35)

Sec. 15-5-35. Eminent domain powers in ILCS Chapters 605 through 630 ~~625~~. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(605 ILCS 5/4-501); Illinois Highway Code; Department of

Transportation and counties; for highway purposes.

(605 ILCS 5/4-502); Illinois Highway Code; Department of Transportation; for ditches and drains.

(605 ILCS 5/4-505); Illinois Highway Code; Department of Transportation; for replacement of railroad and public utility property taken for highway purposes.

(605 ILCS 5/4-509); Illinois Highway Code; Department of Transportation; for replacement of property taken for highway purposes.

(605 ILCS 5/4-510); Illinois Highway Code; Department of Transportation; for rights-of-way for future highway purposes.

(605 ILCS 5/4-511); Illinois Highway Code; Department of Transportation; for relocation of structures taken for highway purposes.

(605 ILCS 5/5-107); Illinois Highway Code; counties; for county highway relocation.

(605 ILCS 5/5-801); Illinois Highway Code; counties; for highway purposes.

(605 ILCS 5/5-802); Illinois Highway Code; counties; for ditches and drains.

(605 ILCS 5/6-309); Illinois Highway Code; highway commissioners or county superintendents; for township or road district roads.

(605 ILCS 5/6-801); Illinois Highway Code; highway commissioners; for road district or township roads.

(605 ILCS 5/6-802); Illinois Highway Code; highway commissioners; for ditches and drains.

(605 ILCS 5/8-102); Illinois Highway Code; Department of Transportation, counties, and municipalities; for limiting freeway access.

(605 ILCS 5/8-103); Illinois Highway Code; Department of Transportation, counties, and municipalities; for freeway purposes.

(605 ILCS 5/8-106); Illinois Highway Code; Department of Transportation and counties; for relocation of existing crossings for freeway purposes.

(605 ILCS 5/9-113); Illinois Highway Code; highway authorities; for utility and other uses in rights-of-ways.

(605 ILCS 5/10-302); Illinois Highway Code; counties; for bridge purposes.

(605 ILCS 5/10-602); Illinois Highway Code; municipalities; for ferry and bridge purposes.

(605 ILCS 5/10-702); Illinois Highway Code; municipalities; for bridge purposes.

(605 ILCS 5/10-901); Illinois Highway Code; Department of Transportation; for ferry property.

(605 ILCS 10/9); Toll Highway Act; Illinois State Toll Highway Authority; for toll highway purposes.

(605 ILCS 10/9.5); Toll Highway Act; Illinois State Toll Highway Authority; for its authorized purposes.

(605 ILCS 10/10); Toll Highway Act; Illinois State Toll

Highway Authority; for property of a municipality or political subdivision for toll highway purposes.

(605 ILCS 115/14); Toll Bridge Act; counties; for toll bridge purposes.

(605 ILCS 115/15); Toll Bridge Act; counties; for the purpose of taking a toll bridge to make it a free bridge.

(605 ILCS 130/80); Public Private Agreements for the Illiana Expressway Act; Department of Transportation; for the Illiana Expressway project.

(610 ILCS 5/17); Railroad Incorporation Act; railroad corporation; for real estate for railroad purposes.

(610 ILCS 5/18); Railroad Incorporation Act; railroad corporations; for materials for railways.

(610 ILCS 5/19); Railroad Incorporation Act; railways; for land along highways.

(610 ILCS 70/1); Railroad Powers Act; purchasers and lessees of railroad companies; for railroad purposes.

(610 ILCS 115/2 and 115/3); Street Railroad Right of Way Act; street railroad companies; for street railroad purposes.

(615 ILCS 5/19); Rivers, Lakes, and Streams Act; Department of Natural Resources; for land along public waters for pleasure, recreation, or sport purposes.

(615 ILCS 10/7.8); Illinois Waterway Act; Department of Natural Resources; for waterways and appurtenances.

(615 ILCS 15/7); Flood Control Act of 1945; Department of Natural Resources; for the purposes of the Act.

(615 ILCS 30/9); Illinois and Michigan Canal Management Act; Department of Natural Resources; for dams, locks, and improvements.

(615 ILCS 45/10); Illinois and Michigan Canal Development Act; Department of Natural Resources; for development and management of the canal.

(620 ILCS 5/72); Illinois Aeronautics Act; Division of Aeronautics of the Department of Transportation; for airport purposes.

(620 ILCS 5/73); Illinois Aeronautics Act; Division of Aeronautics of the Department of Transportation; for removal of airport hazards.

(620 ILCS 5/74); Illinois Aeronautics Act; Division of Aeronautics of the Department of Transportation; for airport purposes.

(620 ILCS 25/33); Airport Zoning Act; Division of Aeronautics of the Department of Transportation; for air rights.

(620 ILCS 40/2 and 40/3); General County Airport and Landing Field Act; counties; for airport purposes.

(620 ILCS 40/5); General County Airport and Landing Field Act; counties; for removing hazards.

(620 ILCS 45/6 and 45/7); County Airport Law of 1943; boards of directors of airports and landing fields; for airport and landing field purposes.

(620 ILCS 50/22 and 50/31); County Airports Act; counties; for airport purposes.

(620 ILCS 50/24); County Airports Act; counties; for removal of airport hazards.

(620 ILCS 50/26); County Airports Act; counties; for acquisition of airport protection privileges.

(620 ILCS 52/15); County Air Corridor Protection Act; counties; for airport zones.

(620 ILCS 55/1); East St. Louis Airport Act; Department of Transportation; for airport in East St. Louis metropolitan area.

(620 ILCS 65/15); O'Hare Modernization Act; Chicago; for the O'Hare modernization program, including quick-take power.

(620 ILCS 75/2-15 and 75/2-90); Public-Private Agreements for the South Suburban Airport Act; Department of Transportation; for South Suburban Airport purposes.

(625 ILCS 5/2-105); Illinois Vehicle Code; Secretary of State; for general purposes.

(625 ILCS 5/18c-7501); Illinois Vehicle Code; rail carriers; for railroad purposes, including quick-take power.

(630 ILCS 10/60); Innovations for Transportation Infrastructure Act; for the purposes of constructing a transportation facility under the Act.

(Source: P.A. 97-808, eff. 7-13-12; incorporates 98-109, eff. 7-25-13; 98-756, eff. 7-16-14; revised 9-12-22.)

(735 ILCS 30/15-5-48)

Sec. 15-5-48. Eminent domain powers in new Acts. The

following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(Reserved). ~~The Innovations for Transportation Infrastructure Act; for the purposes of constructing a transportation facility under the Act.~~

(Source: P.A. 102-1094, eff. 6-15-22; revised 9-12-22.)

Section 715. The Stalking No Contact Order Act is amended by changing Sections 20 and 70 as follows:

(740 ILCS 21/20)

Sec. 20. Commencement of action; filing fees.

(a) An action for a stalking no contact order is commenced:

(1) independently, by filing a petition for a stalking no contact order in any civil court, unless specific courts are designated by local rule or order; or

(2) in conjunction with a delinquency petition or a criminal prosecution as provided in Article 112A of the Code of Criminal Procedure of 1963.

(a-1) A petition for a stalking no contact order may be filed in person ~~in-person~~ or online.

(a-5) When a petition for an emergency stalking no contact order is filed, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either

party, and ~~the~~ State's Attorney for the county until the petition is served on the respondent.

(b) Withdrawal or dismissal of any petition for a stalking no contact order prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for a stalking no contact order shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. For any action commenced under item (2) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for a stalking no contact order; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division.

(c) No fee shall be charged by the clerk of the court for filing petitions or modifying or certifying orders. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(d) The court shall provide, through the office of the clerk of the court, simplified forms for filing of a petition under this Section by any person not represented by counsel.
(Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22; 102-853, eff. 1-1-23; revised 12-14-22.)

(740 ILCS 21/70)

Sec. 70. Hearings.

(a) A petition for a stalking no contact order shall be treated as an expedited proceeding, and no court may transfer or otherwise decline to decide all or part of such petition. Nothing in this Section shall prevent the court from reserving issues if jurisdiction or notice requirements are not met.

(b) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for a stalking no contact order. The court has the discretion to grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner and respondent may appear remotely or in person ~~in-person~~.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

Section 720. The Civil No Contact Order Act is amended by changing Sections 202 and 210 as follows:

(740 ILCS 22/202)

Sec. 202. Commencement of action; filing fees.

(a) An action for a civil no contact order is commenced:

(1) independently, by filing a petition for a civil no contact order in any civil court, unless specific courts are designated by local rule or order; or

(2) in conjunction with a delinquency petition or a criminal prosecution as provided in Article 112A of the Code of Criminal Procedure of 1963.

(a-1) A petition for a civil no contact order may be filed in person ~~in-person~~ or online.

(a-5) When a petition for an emergency civil no contact order is filed, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and ~~the~~ State's Attorney for the county until the petition is served on the respondent.

(b) Withdrawal or dismissal of any petition for a civil no contact order prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for a civil no contact order shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. For any action commenced under item (2) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require

dismissal of the action for a civil no contact order; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division.

(c) No fee shall be charged by the clerk of the court for filing petitions or modifying or certifying orders. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(d) The court shall provide, through the office of the clerk of the court, simplified forms for filing of a petition under this Section by any person not represented by counsel.
(Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22; 102-853, eff. 1-1-23; revised 12-14-22.)

(740 ILCS 22/210)

Sec. 210. Hearings.

(a) A petition for a civil no contact order shall be treated as an expedited proceeding, and no court may transfer or otherwise decline to decide all or part of such petition. Nothing in this Section shall prevent the court from reserving issues if jurisdiction or notice requirements are not met.

(b) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for a civil no contact order. The court has the discretion to grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner

and respondent may appear remotely or in person ~~in-person~~.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

Section 725. The Crime Victims Compensation Act is amended by changing Section 2 as follows:

(740 ILCS 45/2)

(Text of Section before amendment by P.A. 102-982)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any person who applies for compensation under this Act or any person the Court of Claims or the Attorney General finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.

The changes made to this subsection by Public Act 101-652 ~~this amendatory Act of the 101st General Assembly~~ apply to actions commenced or pending on or after January 1, 2022.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or subdivision (a)(4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501 of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or accident involving a motor

vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse, parent, or child of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) solely for the purpose

of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, or half sister of a person killed or injured in this State as a result of a crime of violence, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, or (8) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any parent, spouse, or child under the age of 18 of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent,

stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle, aunt, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child.

(g) "Child" means a son or daughter and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; transportation expenses to and from medical and counseling treatment facilities; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; expenses incurred for the towing and storage of a victim's vehicle in connection with a crime of violence, to a maximum of $1,000; costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; replacement costs for clothing and bedding used as evidence;

costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first month's rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of $1,250 per month; dependents replacement services loss, to a maximum of $1,250 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to a maximum of $10,000 and loss of support of the dependents of the victim; in the case of

dismemberment or desecration of a body, expenses for funeral and burial, all of which may be awarded up to a maximum of $10,000. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

The changes made to this subsection by Public Act 101-652 ~~this amendatory Act of the 101st General Assembly~~ apply to actions commenced or pending on or after January 1, 2022.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, stepfather, stepmother, child, brother, sister, or spouse.

(l) "Parent" means a natural parent, adopted parent, stepparent, or permanent legal guardian of another person.

(m) "Trafficking tattoo" is a tattoo which is applied to a victim in connection with the commission of a violation of Section 10-9 of the Criminal Code of 2012.

(Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21; 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; revised 12-14-22.)

(Text of Section after amendment by P.A. 102-982)

Sec. 2. Definitions. As used in this Act, unless the

context otherwise requires:

(a) "Applicant" means any person who applies for compensation under this Act or any person the Court of Claims or the Attorney General finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.

The changes made to this subsection by Public Act 101-652 ~~this amendatory Act of the 101st General Assembly~~ apply to actions commenced or pending on or after January 1, 2022.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or subdivision (a)(4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501

of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or crash involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse, parent, or child of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in

this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other person under the age of 18 who is the brother, sister, half brother, or half sister of a person killed or injured in this State as a result of a crime of violence, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, or (8) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any parent, spouse, or child under

the age of 18 of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle, aunt, or anyone living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child.

(g) "Child" means a son or daughter and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; transportation expenses to

and from medical and counseling treatment facilities; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; expenses incurred for the towing and storage of a victim's vehicle in connection with a crime of violence, to a maximum of $1,000; costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; replacement costs for clothing and bedding used as evidence; costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first month's rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of $1,250 per month; dependents replacement services loss, to a maximum of $1,250 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a

result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to a maximum of $10,000 and loss of support of the dependents of the victim; in the case of dismemberment or desecration of a body, expenses for funeral and burial, all of which may be awarded up to a maximum of $10,000. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant

to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

The changes made to this subsection by Public Act 101-652 ~~this amendatory Act of the 101st General Assembly~~ apply to actions commenced or pending on or after January 1, 2022.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, stepfather, stepmother, child, brother, sister, or spouse.

(l) "Parent" means a natural parent, adopted parent, stepparent, or permanent legal guardian of another person.

(m) "Trafficking tattoo" is a tattoo which is applied to a victim in connection with the commission of a violation of Section 10-9 of the Criminal Code of 2012.

(Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21; 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

Section 730. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 202, 212, and 217 as follows:

(750 ILCS 60/202) (from Ch. 40, par. 2312-2)

Sec. 202. Commencement of action; filing fees; dismissal.

(a) How to commence action. Actions for orders of protection are commenced:

(1) Independently: By filing a petition for an order of protection in any civil court, unless specific courts are designated by local rule or order.

(2) In conjunction with another civil proceeding: By filing a petition for an order of protection under the same case number as another civil proceeding involving the parties, including, but not limited to: (i) any proceeding under the Illinois Marriage and Dissolution of Marriage Act, Illinois Parentage Act of 2015, Nonsupport of Spouse and Children Act, or Revised Uniform Reciprocal Enforcement of Support Act or an action for nonsupport brought under Article X of the Illinois Public Aid Code,

provided that a petitioner and the respondent are a party to or the subject of that proceeding or (ii) a guardianship proceeding under the Probate Act of 1975, or a proceeding for involuntary commitment under the Mental Health and Developmental Disabilities Code, or any proceeding, other than a delinquency petition, under the Juvenile Court Act of 1987, provided that a petitioner or the respondent is a party to or the subject of such proceeding.

(3) In conjunction with a delinquency petition or a criminal prosecution as provided in Section 112A-20 of the Code of Criminal Procedure of 1963.

(a-1) A petition for an order of protection may be filed in person ~~in-person~~ or online.

(a-5) When a petition for an emergency order of protection is filed, the petition shall not be publicly available until the petition is served on the respondent.

(b) Filing, certification, and service fees. No fee shall be charged by the clerk for filing, amending, vacating, certifying, or photocopying petitions or orders; or for issuing alias summons; or for any related filing service. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(c) Dismissal and consolidation. Withdrawal or dismissal of any petition for an order of protection prior to

adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for an order of protection shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. An independent action may be consolidated with another civil proceeding, as provided by paragraph (2) of subsection (a) of this Section. For any action commenced under paragraph (2) or (3) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for the order of protection; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division. Dismissal of any conjoined case shall not affect the validity of any previously issued order of protection, and thereafter subsections (b)(1) and (b)(2) of Section 220 shall be inapplicable to such order.

(d) Pro se petitions. The court shall provide, through the office of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel. In addition, that assistance may be provided by the State's Attorney ~~state's attorney~~.

(e) As provided in this subsection, the administrative director of the Administrative Office of the Illinois Courts, with the approval of the administrative board of the courts, may adopt rules to establish and implement a pilot program to

allow the electronic filing of petitions for temporary orders of protection and the issuance of such orders by audio-visual means to accommodate litigants for whom attendance in court to file for and obtain emergency relief would constitute an undue hardship or would constitute a risk of harm to the litigant.

(1) As used in this subsection:

(A) "Electronic means" means any method of transmission of information between computers or other machines designed for the purpose of sending or receiving electronic transmission and that allows for the recipient of information to reproduce the information received in a tangible medium of expression.

(B) "Independent audio-visual system" means an electronic system for the transmission and receiving of audio and visual signals, including those with the means to preclude the unauthorized reception and decoding of the signals by commercially available television receivers, channel converters, or other available receiving devices.

(C) "Electronic appearance" means an appearance in which one or more of the parties are not present in the court, but in which, by means of an independent audio-visual system, all of the participants are simultaneously able to see and hear reproductions of the voices and images of the judge, counsel, parties,

witnesses, and any other participants.

(2) Any pilot program under this subsection (e) shall be developed by the administrative director or his or her delegate in consultation with at least one local organization providing assistance to domestic violence victims. The program plan shall include, but not be limited to:

(A) identification of agencies equipped with or that have access to an independent audio-visual system and electronic means for filing documents; and

(B) identification of one or more organizations who are trained and available to assist petitioners in preparing and filing petitions for temporary orders of protection and in their electronic appearances before the court to obtain such orders; and

(C) identification of the existing resources available in local family courts for the implementation and oversight of the pilot program; and

(D) procedures for filing petitions and documents by electronic means, swearing in the petitioners and witnesses, preparation of a transcript of testimony and evidence presented, and a prompt transmission of any orders issued to the parties; and

(E) a timeline for implementation and a plan for informing the public about the availability of the program; and

(F) a description of the data to be collected in order to evaluate and make recommendations for improvements to the pilot program.

(3) In conjunction with an electronic appearance, any petitioner for an ex parte temporary order of protection may, using the assistance of a trained advocate if necessary, commence the proceedings by filing a petition by electronic means.

(A) A petitioner who is seeking an ex parte temporary order of protection using an electronic appearance must file a petition in advance of the appearance and may do so electronically.

(B) The petitioner must show that traveling to or appearing in court would constitute an undue hardship or create a risk of harm to the petitioner. In granting or denying any relief sought by the petitioner, the court shall state the names of all participants and whether it is granting or denying an appearance by electronic means and the basis for such a determination. A party is not required to file a petition or other document by electronic means or to testify by means of an electronic appearance.

(C) Nothing in this subsection (e) affects or changes any existing laws governing the service of process, including requirements for personal service or the sealing and confidentiality of court records in

court proceedings or access to court records by the parties to the proceedings.

(4) Appearances.

(A) All electronic appearances by a petitioner seeking an ex parte temporary order of protection under this subsection (e) are strictly voluntary and the court shall obtain the consent of the petitioner on the record at the commencement of each appearance.

(B) Electronic appearances under this subsection (e) shall be recorded and preserved for transcription. Documentary evidence, if any, referred to by a party or witness or the court may be transmitted and submitted and introduced by electronic means.

(Source: P.A. 101-255, eff. 1-1-20; 102-853, eff. 1-1-23; revised 12-13-22.)

(750 ILCS 60/212) (from Ch. 40, par. 2312-12)

Sec. 212. Hearings.

(a) A petition for an order of protection shall be treated as an expedited proceeding, and no court shall transfer or otherwise decline to decide all or part of such petition except as otherwise provided herein. Nothing in this Section shall prevent the court from reserving issues when jurisdiction or notice requirements are not met.

(b) Any court or a division thereof which ordinarily does not decide matters of child custody and family support may

decline to decide contested issues of physical care, custody, visitation, or family support unless a decision on one or more of those contested issues is necessary to avoid the risk of abuse, neglect, removal from the State ~~state~~ or concealment within the State ~~state~~ of the child or of separation of the child from the primary caretaker. If the court or division thereof has declined to decide any or all of these issues, then it shall transfer all undecided issues to the appropriate court or division. In the event of such a transfer, a government attorney involved in the criminal prosecution may, but need not, continue to offer counsel to the petitioner on transferred matters.

(c) If the court transfers or otherwise declines to decide any issue, judgment on that issue shall be expressly reserved and ruling on other issues shall not be delayed or declined.

(d) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for an order of protection. The court has the discretion to grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner and respondent may appear remotely or in person ~~in-person~~.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs

throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(Source: P.A. 102-853, eff. 1-1-23; revised 12-13-22.)

(750 ILCS 60/217) (from Ch. 40, par. 2312-17)

Sec. 217. Emergency order of protection.

(a) Prerequisites. An emergency order of protection shall issue if petitioner satisfies the requirements of this subsection for one or more of the requested remedies. For each remedy requested, the petitioner shall establish that:

(1) The court has jurisdiction under Section 208;

(2) The requirements of Section 214 are satisfied; and

(3) There is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because:

(i) For the remedies of "prohibition of abuse" described in Section 214(b)(1), "stay away order and additional prohibitions" described in Section 214(b)(3), "removal or concealment of minor child" described in Section 214(b)(8), "order to appear" described in Section 214(b)(9), "physical care and possession of the minor child" described in Section 214(b)(5), "protection of property" described in Section 214(b)(11), "prohibition of entry" described

in Section 214(b)(14), "prohibition of firearm possession" described in Section 214(b)(14.5), "prohibition of access to records" described in Section 214(b)(15), and "injunctive relief" described in Section 214(b)(16), the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief;

(ii) For the remedy of "grant of exclusive possession of residence" described in Section 214(b)(2), the immediate danger of further abuse of the petitioner by the respondent, if the petitioner chooses or had chosen to remain in the residence or household while the respondent was given any prior notice or greater notice than was actually given of the petitioner's efforts to obtain judicial relief, outweighs the hardships to the respondent of an emergency order granting the petitioner exclusive possession of the residence or household. This remedy shall not be denied because the petitioner has or could obtain temporary shelter elsewhere while prior notice is given to the respondent, unless the hardships to respondent from exclusion from the home substantially outweigh those to the petitioner;

(iii) For the remedy of "possession of personal

property" described in Section 214(b)(10), improper disposition of the personal property would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief, or the petitioner has an immediate and pressing need for possession of that property.

An emergency order may not include the counseling, legal custody, payment of support, or monetary compensation remedies.

(a-5) When a petition for an emergency order of protection is granted, the order and file shall not be public and shall only be accessible to the court, the petitioner, law enforcement, a domestic violence advocate or counselor, the counsel of record for either party, and the State's Attorney for the county until the order is served on the respondent.

(b) Appearance by respondent. If the respondent appears in court for this hearing for an emergency order, he or she may elect to file a general appearance and testify. Any resulting order may be an emergency order, governed by this Section. Notwithstanding the requirements of this Section, if all requirements of Section 218 have been met, the court may issue a 30-day interim order.

(c) Emergency orders: court holidays and evenings.

(1) Prerequisites. When the court is unavailable at the close of business, the petitioner may file a petition

for a 21-day emergency order before any available circuit judge or associate judge who may grant relief under this Act. If the judge finds that there is an immediate and present danger of abuse to the petitioner and that the petitioner has satisfied the prerequisites set forth in subsection (a) of Section 217, that judge may issue an emergency order of protection.

(1.5) Issuance of order. The chief judge of the circuit court may designate for each county in the circuit at least one judge to be reasonably available to issue orally, by telephone, by facsimile, or otherwise, an emergency order of protection at all times, whether or not the court is in session.

(2) Certification and transfer. The judge who issued the order under this Section shall promptly communicate or convey the order to the sheriff to facilitate the entry of the order into the Law Enforcement Agencies Data System by the Illinois State Police pursuant to Section 302. Any order issued under this Section and any documentation in support thereof shall be certified on the next court day to the appropriate court. The clerk of that court shall immediately assign a case number, file the petition, order and other documents with the court, and enter the order of record and file it with the sheriff for service, in accordance with Section 222. Filing the petition shall commence proceedings for further relief under Section 202.

Failure to comply with the requirements of this subsection shall not affect the validity of the order.

(Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21; 102-831, eff. 5-13-22; revised 7-29-22.)

Section 735. The Trusts for Employees Act is amended by changing the title of the Act and Sections 1 and 2 as follows:

(760 ILCS 40/Act title)

An Act concerning trusts for employees ~~employes~~, including their beneficiaries.

(760 ILCS 40/1) (from Ch. 48, par. 39t)

Sec. 1. A trust created as a part of a plan for the benefit of some or all of the employees ~~employes~~ of one or more employers, including, but without limitation, a stock bonus, pension, disability, death benefit, profit sharing, unemployment benefit or other plan, for the purpose of distributing for the benefit of the employees ~~employes~~, including their beneficiaries, the earnings or the principal, or both earnings and principal, of the fund held in trust, may continue in perpetuity or for such time as may be necessary to accomplish the purpose for which it is created, and shall not be invalid as violating any rule of law against perpetuities or suspension of the power of alienation of the title to property.

(Source: Laws 1957, p. 305; revised 8-23-22.)

(760 ILCS 40/2) (from Ch. 48, par. 39u)

Sec. 2. No rule of law against perpetuities or suspension of the power of alienation of the title to property shall operate to invalidate any trust heretofore created or attempted to be created by an employer as part of a stock bonus, pension, disability, death benefit, or profit sharing plan for the benefit of some or all of his employees ~~employes~~ to which contributions are made by the employer or employees ~~employes~~ or both, for the purpose of distributing to the employees ~~employes~~ earnings or principal or both earnings and principal of the fund held in trust, unless the trust is terminated by a court of competent jurisdiction in a suit instituted within three years after the effective date of this Act.

(Source: Laws 1945, p. 761; revised 8-23-22.)

Section 740. The Property Owned By Noncitizens Act is amended by changing Section 8 as follows:

(765 ILCS 60/8) (from Ch. 6, par. 8)

Sec. 8. An act in regard to aliens ~~noncitizens~~ and to restrict their right to acquire and hold real and personal estate and to provide for the disposition of the lands now owned by non-resident aliens ~~noncitizens~~, approved June 16,

1887, and in force July 1, 1887, and all other acts and parts of acts in conflict with this act, are hereby repealed.
(Source: P.A. 102-1030, eff. 5-27-22; revised 8-23-22.)

Section 745. The Illinois Human Rights Act is amended by changing Section 1-103 as follows:

(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

Sec. 1-103. General definitions. When used in this Act, unless the context requires otherwise, the term:

(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(B-5) Arrest record. "Arrest record" means:

(1) an arrest not leading to a conviction;

(2) a juvenile record; or

(3) criminal history record information ordered expunged, sealed, or impounded under Section 5.2 of the

Criminal Identification Act.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil rights violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103, 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

(E) Commission. "Commission" means the Human Rights Commission created by this Act.

(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(G-5) Conviction record. "Conviction record" means information indicating that a person has been convicted of a felony, misdemeanor or other criminal offense, placed on probation, fined, imprisoned, or paroled pursuant to any law enforcement or military authority.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Disability.

(1) "Disability" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(a) For purposes of Article 2, is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a disability;

(b) For purposes of Article 3, is unrelated to the person's ability to acquire, rent, or maintain a housing accommodation;

(c) For purposes of Article 4, is unrelated to a person's ability to repay;

(d) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation;

(e) For purposes of Article 5, also includes any mental, psychological, or developmental disability, including autism spectrum disorders.

(2) Discrimination based on disability includes unlawful discrimination against an individual because of the

individual's association with a person with a disability.

(J) Marital status. "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(J-1) Military status. "Military status" means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

(K) National origin. "National origin" means the place in which a person or one of his or her ancestors was born.

(K-5) "Order of protection status" means a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, Article 112A of the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act, or the Civil No Contact Order Act, or an order of protection issued by a court of another state.

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees,

or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

(M) Public contract. "Public contract" includes every contract to which the State, any of its political subdivisions, or any municipal corporation is a party.

(M-5) Race. "Race" includes traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists.

(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(O-1) Sexual orientation. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.

(O-5) Source of income. "Source of income" means the

lawful manner by which an individual supports himself or herself and his or her dependents.

(P) Unfavorable military discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful discrimination. "Unlawful discrimination" means discrimination against a person because of his or her actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service as those terms are defined in this Section.

(Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff. 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-896, eff. 1-1-23; 102-1102, eff. 1-1-23; revised 12-14-22.)

Section 750. The Illinois Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers (INFORM Consumers) Act is amended by changing Section 1-10 as follows:

(815 ILCS 356/1-10)

Sec. 1-10. Online marketplace verification.

(a) Online marketplaces shall require that any high-volume third-party seller on the online marketplace's platform provide the online marketplace with the following information no later than 10 days after qualifying as a high-volume third-party seller on the platform:

(1) A bank account number, or, if the high-volume third-party seller does not have a bank account, the name of the payee for payments issued by the online marketplace to the high-volume third-party seller. The bank account or payee information required may be provided by the seller to the online marketplace or other third parties contracted by the online marketplace to maintain the information, so long as the online marketplace ensures that it can obtain the information on demand from the other third parties.

(2) The contact information for the high-volume third-party seller. If the high-volume third-party seller is an individual, the individual's name shall be provided. If the high-volume third-party seller is not an individual, a copy of a valid government-issued identification for an individual acting on behalf of the seller that includes the individual's name or a copy of a valid government-issued record or tax document that includes the business name and physical address of the seller shall be provided.

(3) A business tax identification number or, if the high-volume third-party seller does not have a business tax identification number, a taxpayer identification number.

(4) A current working email address and phone number for the high-volume third-party seller.

(b) An online marketplace shall periodically, but not less than annually, notify any high-volume third-party seller on the online marketplace's platform of the requirement to keep any information collected under subsection (a) current and require any high-volume third-party seller on the online marketplace's platform to, not later than 10 days after receiving the notice, electronically certify that:

(1) the high-volume third-party seller has provided any changes to the information to the online marketplace, if such changes have occurred;

(2) there have been no changes to the high-volume third-party seller's information; or

(3) the high-volume third-party seller has provided any changes to such information to the online marketplace.

(c) If a high-volume third-party seller does not provide the information or certification required under this Section, the online marketplace, after providing the seller with written or electronic notice and an opportunity to provide the information or certification not later than 10 days after the issuance of the notice, shall suspend any future sales

activity of the seller until the seller provides the information or certification.

(d) An online marketplace shall verify the information collected under subsection (a) no later than 10 days after the collection and shall verify any change to the information not later than 10 days after being notified of the change by a high-volume third-party seller under subsection (b). If a high-volume third-party seller provides a copy of a valid government-issued tax document, any information contained in the document shall be presumed to be verified as of the date of issuance of the document.

(e) An online marketplace shall require any high-volume third-party seller with an aggregate total of $20,000 or more in annual gross revenues on the online marketplace, and that uses the online marketplace's platform, to provide information to the online marketplace that includes the identity of the high-volume third-party seller, including:

(1) the full name of the seller or seller's company name, or the name by which the seller or company operates on the online marketplace;

(2) the physical address of the seller;

(3) the contact information of the seller including a current working phone number; a current working email address for the seller; or other means of direct electronic messaging that may be provided to the high-volume third-party seller by the online marketplace

to allow for the direct, unhindered communication with high-volume third-party sellers by users of the online marketplace; and

(4) whether the high-volume third-party seller used a different seller to supply consumer products to consumers upon purchase, and, upon the request of a consumer, the information described in paragraph (1) of this subsection (e) relating to any such seller that supplied the consumer product to the consumer, if the seller is different from the high-volume third-party seller listed on the product listing prior to purchase.

(f) An online marketplace shall provide to consumers the information in subsection (e) in a conspicuous manner: (i) in the order confirmation message or other document or communication made to a consumer after a purchase is finalized; and (ii) in the consumer's account transaction history.

(g) Upon the request of a high-volume third-party seller, an online marketplace may provide for partial disclosure of the identity information required under subsection (e) as follows:

(1) If the high-volume third-party seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may disclose only the

country and, if applicable, the state in which the high-volume third-party seller resides; and inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to the seller by the online marketplace.

(2) If the high-volume third-party seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns.

(3) If a high-volume third-party seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to the seller by the online marketplace.

(h) If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subsection (g) or that a high-volume third-party seller who has requested and received a provision for a partial disclosure under subsection (g) has

not provided responsive answers within a reasonable time to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to the seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond not later than 10 days after the issuance of the notice, suspend any future sales activity of the seller unless the seller consents to the disclosure of the identity information required under subsection (e).

(i) If a high-volume third-party seller does not comply with the requirements to provide and disclose information under this Section, the online marketplace, after providing the seller with written or electronic notice and an opportunity to provide or disclose the information not later than 10 days after the issuance of the notice, shall suspend any future sales activity of the seller until the seller complies with the requirements.

(j) An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third-party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

(k) Information collected solely to comply with the requirements of this Section may not be used for any other purpose unless required by law. An online marketplace shall implement and maintain reasonable security procedures and

practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected under this Section from unauthorized use, disclosure, access, destruction, or modification. Notwithstanding anything to the contrary in this subsection, the Attorney General may request, by subpoena or otherwise, and use any information collected to comply with the requirements of this Section to enforce the provisions of this Act as set forth in subsection (l).

(l) If the Attorney General has reason to believe that any person has violated this Act, the Attorney General may bring an action in the name of the People of the State against the person to restrain by preliminary or permanent injunction the use of such a method, act, or practice. The court, in its discretion, may exercise all powers necessary, including, but not limited to: injunction; revocation, forfeiture, or suspension of any license, charter, franchise, certificate, or other evidence of authority of any person to do business in this State; appointment of a receiver; dissolution of domestic corporations or associations or suspension or termination of the right of foreign corporations or associations to do business in this State; and restitution. In the administration of this Section, the Attorney General may accept an Assurance of Voluntary Compliance with respect to any method, act, or practice deemed to be violative of this Act from any person who

has engaged in, is engaging in, or was about ~~ab~~ to engage in such a method, act, or practice. Evidence of a violation of an Assurance of Voluntary Compliance shall be prima facie evidence of a violation of this Act in any subsequent proceeding brought by the Attorney General against the alleged violator. The Attorney General shall be empowered to issue subpoenas to or examine under oath any person alleged to have participated in or to have knowledge of the alleged method, act, or practice in violation of this Act. Nothing in this Act creates or is intended to create a private right of action against any high-volume third-party seller, online marketplace seller, or third-party seller based upon compliance or noncompliance with its provisions.

(m) To the extent that a substantially similar federal law or regulation conflicts with this Act, the federal law or regulation controls.

(Source: P.A. 102-757, eff. 1-1-23; revised 12-19-22.)

Section 755. The Animal Parts and Products Ban Act is amended by changing the title of the Act as follows:

(815 ILCS 357/Act title)

An Act concerning animal parts and products ~~ivory~~.

Section 760. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Sections 2AA and 2EE as

follows:

(815 ILCS 505/2AA)

Sec. 2AA. Immigration services.

(a) "Immigration matter" means any proceeding, filing, or action affecting the nonimmigrant, immigrant or citizenship status of any person that arises under immigration and naturalization law, executive order or presidential proclamation of the United States or any foreign country, or that arises under action of the United States Citizenship and Immigration Services, the United States Department of Labor, or the United States Department of State.

"Immigration assistance service" means any information or action provided or offered to customers or prospective customers related to immigration matters, excluding legal advice, recommending a specific course of legal action, or providing any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

"Compensation" means money, property, services, promise of payment, or anything else of value.

"Employed by" means that a person is on the payroll of the employer and the employer deducts from the employee's paycheck social security and withholding taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

"Reasonable costs" means actual costs or, if actual costs

cannot be calculated, reasonably estimated costs of such things as photocopying, telephone calls, document requests, and filing fees for immigration forms, and other nominal costs incidental to assistance in an immigration matter.

(a-1) The General Assembly finds and declares that private individuals who assist persons with immigration matters have a significant impact on the ability of their clients to reside and work within the United States and to establish and maintain stable families and business relationships. The General Assembly further finds that that assistance and its impact also have a significant effect on the cultural, social, and economic life of the State of Illinois and thereby substantially affect the public interest. It is the intent of the General Assembly to establish rules of practice and conduct for those individuals to promote honesty and fair dealing with residents and to preserve public confidence.

(a-5) The following persons are exempt from this Section, provided they prove the exemption by a preponderance of the evidence:

(1) An attorney licensed to practice law in any state or territory of the United States, or of any foreign country when authorized by the Illinois Supreme Court, to the extent the attorney renders immigration assistance service in the course of his or her practice as an attorney.

(2) A legal intern, as described by the rules of the

Illinois Supreme Court, employed by and under the direct supervision of a licensed attorney and rendering immigration assistance service in the course of the intern's employment.

(3) A not-for-profit organization recognized by the Board of Immigration Appeals under 8 CFR 292.2(a) and employees of those organizations accredited under 8 CFR 292.2(d).

(4) Any organization employing or desiring to employ a documented or undocumented immigrant or nonimmigrant, where the organization, its employees or its agents provide advice or assistance in immigration matters to documented or undocumented immigrant or nonimmigrant employees or potential employees without compensation from the individuals to whom such advice or assistance is provided.

Nothing in this Section shall regulate any business to the extent that such regulation is prohibited or preempted by State or federal law.

All other persons providing or offering to provide immigration assistance service shall be subject to this Section.

(b) Any person who provides or offers to provide immigration assistance service may perform only the following services:

(1) Completing a government agency form, requested by

the customer and appropriate to the customer's needs, only if the completion of that form does not involve a legal judgment for that particular matter.

(2) Transcribing responses to a government agency form which is related to an immigration matter, but not advising a customer as to his or her answers on those forms.

(3) Translating information on forms to a customer and translating the customer's answers to questions posed on those forms.

(4) Securing for the customer supporting documents currently in existence, such as birth and marriage certificates, which may be needed to be submitted with government agency forms.

(5) Translating documents from a foreign language into English.

(6) Notarizing signatures on government agency forms, if the person performing the service is a notary public of the State of Illinois.

(7) Making referrals, without fee, to attorneys who could undertake legal representation for a person in an immigration matter.

(8) Preparing or arranging for the preparation of photographs and fingerprints.

(9) Arranging for the performance of medical testing (including X-rays and AIDS tests) and the obtaining of

reports of such test results.

(10) Conducting English language and civics courses.

(11) Other services that the Attorney General determines by rule may be appropriately performed by such persons in light of the purposes of this Section.

Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration forms shall be limited to the maximum fees set forth in subsections (a) and (b) of Section 3-104 of the Illinois Notary Public Act ~~(5 ILCS 312/3-104)~~. The maximum fee schedule set forth in subsections (a) and (b) of Section 3-104 of the Illinois Notary Public Act shall apply to any person that provides or offers to provide immigration assistance service performing the services described therein. The Attorney General may promulgate rules establishing maximum fees that may be charged for any services not described in that subsection. The maximum fees must be reasonable in light of the costs of providing those services and the degree of professional skill required to provide the services.

No person subject to this Act shall charge fees directly or indirectly for referring an individual to an attorney or for any immigration matter not authorized by this Article, provided that a person may charge a fee for notarizing documents as permitted by the Illinois Notary Public Act.

(c) Any person performing such services shall register with the Illinois Attorney General and submit verification of

malpractice insurance or of a surety bond.

(d) Except as provided otherwise in this subsection, before providing any assistance in an immigration matter a person shall provide the customer with a written contract that includes the following:

(1) An explanation of the services to be performed.

(2) Identification of all compensation and costs to be charged to the customer for the services to be performed.

(3) A statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status may not be retained by the person for any purpose, including payment of compensation or costs.

This subsection does not apply to a not-for-profit organization that provides advice or assistance in immigration matters to clients without charge beyond a reasonable fee to reimburse the organization's or clinic's reasonable costs relating to providing immigration services to that client.

(e) Any person who provides or offers immigration assistance service and is not exempted from this Section, shall post signs at his or her place of business, setting forth information in English and in every other language in which the person provides or offers to provide immigration assistance service. Each language shall be on a separate sign. Signs shall be posted in a location where the signs will be visible to customers. Each sign shall be at least 11 inches by

17 inches, and shall contain the following:

(1) The statement "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.".

(2) The statement "I AM NOT ACCREDITED TO REPRESENT YOU BEFORE THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF APPEALS.".

(3) The fee schedule.

(4) The statement that "You may cancel any contract within 3 working days and get your money back for services not performed.".

(5) Additional information the Attorney General may require by rule.

Every person engaged in immigration assistance service who is not an attorney who advertises immigration assistance service in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written material the following notice in English and the language in which the written communication appears. This notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.". If

such advertisement is by radio or television, the statement may be modified but must include substantially the same message.

Any person who provides or offers immigration assistance service and is not exempted from this Section shall not, in any document, advertisement, stationery, letterhead, business card, or other comparable written material, literally translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney. To illustrate, the words "notario" and "poder notarial" are prohibited under this provision.

If not subject to penalties under subsection (a) of Section 3-103 of the Illinois Notary Public Act ~~(5 ILCS 312/3-103)~~, violations of this subsection shall result in a fine of $1,000. Violations shall not preempt or preclude additional appropriate civil or criminal penalties.

(f) The written contract shall be in both English and in the language of the customer.

(g) A copy of the contract shall be provided to the customer upon the customer's execution of the contract.

(h) A customer has the right to rescind a contract within 72 hours after his or her signing of the contract.

(i) Any documents identified in paragraph (3) of subsection (c) shall be returned upon demand of the customer.

(j) No person engaged in providing immigration services

who is not exempted under this Section shall do any of the following:

(1) Make any statement that the person can or will obtain special favors from or has special influence with the United States Immigration and Naturalization Service or any other government agency.

(2) Retain any compensation for service not performed.

(2.5) Accept payment in exchange for providing legal advice or any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(3) Refuse to return documents supplied by, prepared on behalf of, or paid for by the customer upon the request of the customer. These documents must be returned upon request even if there is a fee dispute between the immigration assistant and the customer.

(4) Represent or advertise, in connection with the provision of assistance in immigration matters, other titles of credentials, including, but not limited to "notary public" or "immigration consultant", that could cause a customer to believe that the person possesses special professional skills or is authorized to provide advice on an immigration matter; provided that a notary public appointed by the Illinois Secretary of State may use the term "notary public" if the use is accompanied by the statement that the person is not an attorney; the term "notary public" may not be translated to another language;

for example "notario" is prohibited.

(5) Provide legal advice, recommend a specific course of legal action, or provide any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(6) Make any misrepresentation or ~~of~~ false statement, directly or indirectly, to influence, persuade, or induce patronage.

(k) (Blank).

(l) (Blank).

(m) Any person who violates any provision of this Section, or the rules and regulations issued under this Section, shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

Upon his own information or upon the complaint of any person, the Attorney General or any State's Attorney, or a municipality with a population of more than 1,000,000, may maintain an action for injunctive relief and also seek a civil penalty not exceeding $50,000 in the circuit court against any person who violates any provision of this Section. These remedies are in addition to, and not in substitution for, other available remedies.

If the Attorney General or any State's Attorney or a municipality with a population of more than 1,000,000 fails to bring an action as provided under this Section any person may

file a civil action to enforce the provisions of this Article and maintain an action for injunctive relief, for compensatory damages to recover prohibited fees, or for such additional relief as may be appropriate to deter, prevent, or compensate for the violation. In order to deter violations of this Section, courts shall not require a showing of the traditional elements for equitable relief. A prevailing plaintiff may be awarded 3 times the prohibited fees or a minimum of $1,000 in punitive damages, attorney's fees, and costs of bringing an action under this Section. It is the express intention of the General Assembly that remedies for violation of this Section be cumulative.

(n) No unit of local government, including any home rule unit, shall have the authority to regulate immigration assistance services unless such regulations are at least as stringent as those contained in Public Act 87-1211. It is declared to be the law of this State, pursuant to paragraph (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that Public Act 87-1211 is a limitation on the authority of a home rule unit to exercise powers concurrently with the State. The limitations of this Section do not apply to a home rule unit that has, prior to January 1, 1993 (the effective date of Public Act 87-1211), adopted an ordinance regulating immigration assistance services.

(o) This Section is severable under Section 1.31 of the Statute on Statutes.

(p) The Attorney General shall issue rules not inconsistent with this Section for the implementation, administration, and enforcement of this Section. The rules may provide for the following:

(1) The content, print size, and print style of the signs required under subsection (e). Print sizes and styles may vary from language to language.

(2) Standard forms for use in the administration of this Section.

(3) Any additional requirements deemed necessary.

(Source: P.A. 102-1030, eff. 5-27-22; revised 8-19-22.)

(815 ILCS 505/2EE)

Sec. 2EE. Alternative retail electric supplier selection.

(a) An alternative retail electric supplier shall not submit or execute a change in a consumer's selection of a provider of electric service unless and until:

(i) the alternative retail electric supplier first discloses all material terms and conditions of the offer to the consumer;

(ii) if the consumer is a small commercial retail customer as that term is defined in subsection (c) of this Section or a residential consumer, the alternative retail electric supplier discloses the utility electric supply price to compare, which shall be the sum of the electric supply charge and the transmission services charge, and

shall not include the purchased electricity adjustment, applicable at the time the offer is made to the consumer;

(iii) if the consumer is a small commercial retail customer as that term is defined in subsection (c) of this Section or a residential consumer, the alternative retail electric provider discloses the following statement:

"(Name of the alternative retail electric supplier) is not the same entity as your electric delivery company. You are not required to enroll with (name of alternative retail electric supplier). As of (effective date), the electric supply price to compare is currently (price in cents per kilowatt hour). The electric utility electric supply price will expire on (expiration date). The utility electric supply price to compare does not include the purchased electricity adjustment factor. For more information go to the Illinois Commerce Commission's free website at www.pluginillinois.org.".

If applicable, the statement shall include the following statement:

"The purchased electricity adjustment factor may range between +.5 cents and -.5 cents per kilowatt hour.";

(iv) the alternative retail electric supplier has obtained the consumer's express agreement to accept the offer after the disclosure of all material terms and

conditions of the offer; and

(v) the alternative retail electric supplier has confirmed the request for a change in accordance with one of the following procedures:

(A) The new alternative retail electric supplier has obtained the consumer's written or electronically signed authorization in a form that meets the following requirements:

(1) An alternative retail electric supplier shall obtain any necessary written or electronically signed authorization from a consumer for a change in electric service by using a letter of agency as specified in this Section. Any letter of agency that does not conform with this Section is invalid.

(2) The letter of agency shall be a separate document (an easily separable document containing only the authorization language described in subparagraph (5)) whose sole purpose is to authorize an electric service provider change. The letter of agency must be signed and dated by the consumer requesting the electric service provider change.

(3) The letter of agency shall not be combined with inducements of any kind on the same document.

(4) Notwithstanding subparagraphs (1) and (2),

the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in subparagraph (5) and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the face of the check, a notice that the consumer is authorizing an electric service provider change by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

(5) At a minimum, the letter of agency must be printed with a print of sufficient size to be clearly legible, and must contain clear and unambiguous language that confirms:

(i) The consumer's billing name and address;

(ii) The decision to change the electric service provider from the current provider to the prospective provider;

(iii) The terms, conditions, and nature of the service to be provided to the consumer must be clearly and conspicuously disclosed, in writing, and an alternative retail electric

supplier must directly establish the rates for the service contracted for by the consumer; and

(iv) That the consumer understand that any alternative retail electric supplier selection the consumer chooses may involve a charge to the consumer for changing the consumer's electric service provider.

(6) Letters of agency shall not suggest or require that a consumer take some action in order to retain the consumer's current electric service provider.

(7) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

(B) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in this subsection (b), the consumer's oral authorization to change electric suppliers that confirms and includes appropriate verification data. The independent third party (i) must not be owned, managed, controlled, or directed by the supplier or the supplier's marketing agent; (ii) must not have any financial incentive to confirm supplier change requests for the supplier or the supplier's marketing

agent; and (iii) must operate in a location physically separate from the supplier or the supplier's marketing agent.

Automated third-party verification systems and 3-way conference calls may be used for verification purposes so long as the other requirements of this subsection (b) are satisfied.

A supplier or supplier's sales representative initiating a 3-way conference call or a call through an automated verification system must drop off the call once the 3-way connection has been established.

All third-party verification methods shall elicit, at a minimum, the following information: (i) the identity of the consumer; (ii) confirmation that the person on the call is the account holder, has been specifically and explicitly authorized by the account holder, or possesses lawful authority to make the supplier change; (iii) confirmation that the person on the call wants to make the supplier change; (iv) the names of the suppliers affected by the change; (v) the service address of the supply to be switched; and (vi) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply. Third-party verifiers may not market the supplier's services by providing additional

information, including information regarding procedures to block or otherwise freeze an account against further changes.

All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. Submitting suppliers shall maintain and preserve audio records of verification of subscriber authorization for a minimum period of 2 years after obtaining the verification. Automated systems must provide consumers with an option to speak with a live person at any time during the call. Each disclosure made during the third-party verification must be made individually to obtain clear acknowledgment of each disclosure. The alternative retail electric supplier must be in a location where he or she cannot hear the customer while the third-party verification is conducted. The alternative retail electric supplier shall not contact the customer after the third-party verification for a period of 24 hours unless the customer initiates the contact.

(C) When a consumer initiates the call to the prospective alternative retail electric supplier, in order to enroll the consumer as a customer, the prospective alternative retail electric supplier must, with the consent of the customer, make a date-stamped,

time-stamped audio recording that elicits, at a minimum, the following information:

(1) the identity of the customer;

(2) confirmation that the person on the call is authorized to make the supplier change;

(3) confirmation that the person on the call wants to make the supplier change;

(4) the names of the suppliers affected by the change;

(5) the service address of the supply to be switched; and

(6) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Submitting suppliers shall maintain and preserve the audio records containing the information set forth above for a minimum period of 2 years.

(b)(1) An alternative retail electric supplier shall not utilize the name of a public utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a consumer to believe that an alternative retail electric supplier is soliciting on behalf of or is an agent of a utility. An alternative retail electric supplier shall not utilize the name, or any other identifying insignia, graphics, or wording that has been used at any time

to represent a public utility company or its services, to identify, label, or define any of its electric power and energy service offers. An alternative retail electric supplier may state the name of a public electric utility in order to accurately describe the electric utility service territories in which the supplier is currently offering an electric power and energy service. An alternative retail electric supplier that is the affiliate of an Illinois public utility and that was doing business in Illinois providing alternative retail electric service on January 1, 2016 may continue to use that public utility's name, logo, identifying insignia, graphics, or wording in its business operations occurring outside the service territory of the public utility with which it is affiliated.

(2) An alternative retail electric supplier shall not state or otherwise imply that the alternative retail electric supplier is employed by, representing, endorsed by, or acting on behalf of a utility or utility program, a consumer group or consumer group program, or a governmental body, unless the alternative retail electric supplier has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements.

(c) An alternative retail electric supplier shall not submit or execute a change in a consumer's selection of a provider of electric service unless the alternative retail

electric supplier complies with the following requirements of this subsection (c). It is a violation of this Section for an alternative retail electric supplier to fail to comply with this subsection (c). The requirements of this subsection (c) shall only apply to residential and small commercial retail customers. For purposes of this subsection (c) only, "small commercial retail customer" has the meaning given to that term in Section 16-102 of the Public Utilities Act.

(1) During a solicitation an alternative retail electric supplier shall state that he or represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission and that he or she is not employed by, representing, endorsed by, or acting on behalf of, a utility, or a utility program, a consumer group or consumer group program, or a governmental body, unless the alternative retail electric supplier has entered into a contractual arrangement with the governmental body and has been authorized with the governmental body to make the statements.

(2) Alternative retail electric suppliers who engage in in-person solicitation for the purpose of selling electric power and energy service offered by the alternative retail electric supplier shall display identification on an outer garment. This identification shall be visible at all times and prominently display the following: (i) the alternative retail electric supplier

agent's full name in reasonable size font; (ii) an agent identification number; (iii) a photograph of the alternative retail electric supplier agent; and (iv) the trade name and logo of the alternative retail electric supplier the agent is representing. If the agent is selling electric power and energy services from multiple alternative retail electric suppliers to the consumer, the identification shall display the trade name and logo of the agent, broker, or consultant entity as that entity is defined in Section 16-115C of the Public Utilities Act. An alternative retail electric supplier shall leave the premises at the consumer's, owner's, or occupant's request. A copy of the Uniform Disclosure Statement described in 83 Ill. Adm. Code 412.115 and 412.Appendix A is to be left with the consumer, at the conclusion of the visit unless the consumer refuses to accept a copy. An alternative retail electric supplier may provide the Uniform Disclosure Statement electronically instead of in paper form to a consumer upon that customer's request. The alternative retail electric supplier shall also offer to the consumer, at the time of the initiation of the solicitation, a business card or other material that lists the agent's name, identification number and title, and the alternative retail electric supplier's name and contact information, including phone number. The alternative retail electric supplier shall not conduct any in-person

solicitations of consumers at any building or premises where any sign, notice, or declaration of any description whatsoever is posted that prohibits sales, marketing, or solicitations. The alternative retail electric supplier shall obtain consent to enter multi-unit residential dwellings. Consent obtained to enter a multi-unit dwelling from one prospective customer or occupant of the dwelling shall not constitute consent to market to any other prospective consumers without separate consent.

(3) An alternative retail electric supplier who contacts consumers by telephone for the purpose of selling electric power and energy service shall provide the agent's name and identification number. Any telemarketing solicitations that lead to a telephone enrollment of a consumer must be recorded and retained for a minimum of 2 years. All telemarketing calls of consumers that do not lead to a telephone enrollment, but last at least 2 minutes, shall be recorded and retained for a minimum of 6 months.

(4) During an inbound enrollment call, an alternative retail electric supplier shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission. All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of 2 years. An inbound enrollment

call that does not lead to an enrollment, but lasts at least 2 minutes, shall be retained for a minimum of 6 months. The alternative retail electric supplier shall send the Uniform Disclosure Statement and contract to the customer within 3 business days after the electric utility's confirmation to the alternative retail electric supplier of an accepted enrollment.

(5) If a direct mail solicitation to a consumer includes a written letter of agency, it shall include the Uniform Disclosure Statement described in 83 Ill. Adm. Code 412.115 and 412.Appendix A. The Uniform Disclosure Statement shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written letter of agency is being used to authorize a consumer's enrollment, the written letter of agency shall comply with this Section. A copy of the contract must be sent to the consumer within 3 business days after the electric utility's confirmation to the alternative retail electric supplier of an accepted enrollment.

(6) Online Solicitation.

(A) Each alternative retail electric supplier offering electric power and energy service to consumers online shall clearly and conspicuously make all disclosures for any services offered through online enrollment before requiring the consumer to

enter any personal information other than zip code, electric utility service territory, or type of service sought.

(B) Notwithstanding any requirements in this Section to the contrary, an alternative retail electric supplier may secure consent from the consumer to obtain customer-specific billing and usage information for the sole purpose of determining and pricing a product through a letter of agency or method approved through an Illinois Commerce Commission docket before making all disclosure for services offered through online enrollment. It is a violation of this Act for an alternative retail electric supplier to use a consumer's utility account number to execute or change a consumer's enrollment unless the consumer expressly consents to that enrollment as required by law.

(C) The enrollment website of the alternative retail electric supplier shall, at a minimum, include: (i) disclosure of all material terms and conditions of the offer; (ii) a statement that electronic acceptance of the terms and conditions is an agreement to initiate service and begin enrollment; (iii) a statement that the consumer shall review the contract or contact the current supplier to learn if any early termination fees are applicable; and (iv) an email

address and toll-free phone number of the alternative retail electric supplier where the customer can express a decision to rescind the contract.

(7)(A) Beginning January 1, 2020, an alternative retail electric supplier shall not sell or offer to sell any products or services to a consumer pursuant to a contract in which the contract automatically renews, unless an alternative retail electric supplier provides to the consumer at the outset of the offer, in addition to other disclosures required by law, a separate written statement titled "Automatic Contract Renewal" that clearly and conspicuously discloses in bold lettering in at least 12-point font the terms and conditions of the automatic contract renewal provision, including: (i) the estimated bill cycle on which the initial contract term expires and a statement that it could be later based on when the utility accepts the initial enrollment; (ii) the estimated bill cycle on which the new contract term begins and a statement that it will immediately follow the last billing cycle of the current term; (iii) the procedure to terminate the contract before the new contract term applies; and (iv) the cancellation procedure. If the alternative retail electric supplier sells or offers to sell the products or services to a consumer during an in-person solicitation or telemarketing solicitation, the disclosures described in this subparagraph (A) shall also

be made to the consumer verbally during the solicitation. Nothing in this subparagraph (A) shall be construed to apply to contracts entered into before January 1, 2020.

(B) At least 30 days before, but not more than 60 days prior, to the end of the initial contract term, in any and all contracts that automatically renew after the initial term, the alternative retail electric supplier shall send, in addition to other disclosures required by law, a separate written notice of the contract renewal to the consumer that clearly and conspicuously discloses the following:

(i) a statement printed or visible from the outside of the envelope or in the subject line of the email, if the customer has agreed to receive official documents by email, that states "Contract Renewal Notice";

(ii) a statement in bold lettering, in at least 12-point font, that the contract will automatically renew unless the customer cancels it;

(iii) the billing cycle in which service under the current term will expire;

(iv) the billing cycle in which service under the new term will begin;

(v) the process and options available to the consumer to reject the new contract terms;

(vi) the cancellation process if the consumer's contract automatically renews before the consumer rejects the new contract terms;

(vii) the terms and conditions of the new contract term;

(viii) for a fixed rate contract, a side-by-side comparison of the current price and the new price; for a variable rate contract or time-of-use product in which the first month's renewal price can be determined, a side-by-side comparison of the current price and the price for the first month of the new variable or time-of-use price; or for a variable or time-of-use contract based on a publicly available index, a side-by-side comparison of the current formula and the new formula; and

(ix) the phone number and Internet address to submit a consumer inquiry or complaint to the Illinois Commerce Commission and the Office of the Attorney General.

(C) An alternative retail electric supplier shall not automatically renew a consumer's enrollment after the current term of the contract expires when the current term of the contract provides that the consumer will be charged a fixed rate and the renewed contract provides that the consumer will be charged a

variable rate, unless: (i) the alternative retail electric supplier complies with subparagraphs (A) and (B); and (ii) the customer expressly consents to the contract renewal in writing or by electronic signature at least 30 days, but no more than 60 days, before the contract expires.

(D) This paragraph (7) does not apply to customers enrolled in a municipal aggregation program pursuant to Section 1-92 of the Illinois Power Agency Act.

(8) All in-person and telephone solicitations shall be conducted in, translated into, and provided in a language in which the consumer subject to the marketing or solicitation is able to understand and communicate. An alternative retail electric supplier shall terminate a solicitation if the consumer subject to the marketing or communication is unable to understand and communicate in the language in which the marketing or solicitation is being conducted. An alternative retail electric supplier shall comply with Section 2N of this Act.

(9) Beginning January 1, 2020, consumers shall have the right to terminate their contract with the alternative retail electric supplier at any time without any termination fees or penalties.

(10) An alternative retail electric supplier shall not submit a change to a customer's electric service provider in violation of Section 16-115E of the Public Utilities

Act.

(d) Complaints may be filed with the Illinois Commerce Commission under this Section by a consumer whose electric service has been provided by an alternative retail electric supplier in a manner not in compliance with this Section or by the Illinois Commerce Commission on its own motion when it appears to the Commission that an alternative retail electric supplier has provided service in a manner not in compliance with this Section. If, after notice and hearing, the Commission finds that an alternative retail electric supplier has violated this Section, the Commission may in its discretion do any one or more of the following:

(1) Require the violating alternative retail electric supplier to refund to the consumer charges collected in excess of those that would have been charged by the consumer's authorized electric service provider.

(2) Require the violating alternative retail electric supplier to pay to the consumer's authorized electric service provider the amount the authorized electric service provider would have collected for the electric service. The Commission is authorized to reduce this payment by any amount already paid by the violating alternative retail electric supplier to the consumer's authorized provider for electric service.

(3) Require the violating alternative retail electric supplier to pay a fine of up to $10,000 into the Public

Utility Fund for each violation of this Section.

(4) Issue a cease and desist order.

(5) For a pattern of violation of this Section or for violations that continue after a cease and desist order, revoke the violating alternative retail electric supplier's certificate of service authority.

(e) For purposes of this Section:

"Electric service provider" shall have the meaning given that phrase in Section 6.5 of the Attorney General Act.

"Alternative retail electric supplier" has the meaning given to that term in Section 16-102 of the Public Utilities Act.

(Source: P.A. 101-590, eff. 1-1-20; 102-958, eff. 1-1-23; revised 12-13-22.)

Section 765. The Employee Arbitration Act is amended by changing Sections 2, 3, 5, 5a, 5b, 6, and 6a as follows:

(820 ILCS 35/2) (from Ch. 10, par. 20)

Sec. 2. When any controversy or difference not involving questions which may be the subject of a civil action, exists between an employer, whether an individual, copartnership or corporation, employing not less than 25 persons, and his employees ~~employes~~ in this State, the Department of Labor shall upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and

make a careful inquiry into the cause thereof, hear all persons interested therein who may come before it, advise the respective parties what, if anything ought to be done or submitted to by both to adjust the dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record kept by the Department of Labor, and a short statement thereof published in the annual report hereinafter provided for, and the Department shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

(Source: P.A. 76-1403; revised 8-19-22.)

(820 ILCS 35/3) (from Ch. 10, par. 21)

Sec. 3. The application shall be signed by the employer or by a majority of his or her employees ~~employes~~ in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said Department, if it shall be made within 3 weeks of the date of filing said application. As soon as may be after the receipt of the application the Department shall cause public notice to be given of the time and place of the hearing thereon; but public notice need not be given when both parties to the controversy

join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the Department may order, and the Department may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The Department may in all cases summon as witnesses any operative or expert in the department of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and examine them under oath, and require the production of books containing the records of wages paid, and such other books and papers as may be deemed necessary to a full and fair investigation of the matter in controversy. The Department may issue subpoenas, and oath may be administered by the Director of the Department or by any authorized officer or employee thereof. If any person, having been served with a subpoena or other process issued by the Department, shall willfully fail or refuse to obey the same, or to answer such questions as may be propounded touching the subject-matter of the inquiry or investigation, the circuit court of the county in which the hearing is being conducted, upon application by the Department, duly attested by the Director thereof, shall issue an attachment for such witness and compel him to appear before the Department and give his or her testimony, or to produce such books and papers as may be lawfully required by the Department; and the court may punish for contempt, as in other

cases of refusal to obey the process and order of such court.
(Source: P.A. 83-334; revised 8-19-22.)

(820 ILCS 35/5) (from Ch. 10, par. 23)

Sec. 5. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees ~~employes~~ by posting in three conspicuous places in the shop or factory where they work.
(Source: Laws 1895, p. 5; revised 8-19-22.)

(820 ILCS 35/5a) (from Ch. 10, par. 24)

Sec. 5a. In the event of a failure to abide by the decisions of the Department of Labor in any case in which both employer and employees ~~employes~~ shall have joined in the application, any person or persons aggrieved thereby may file with the clerk of the circuit court of the county in which the offending party resides, or in the case of an employer in the county in which the place of employment is located, a duly authenticated copy of such decision, accompanied by a verified petition reciting the fact that such decision has not been complied with and stating by whom and in what respects it has been disregarded. Thereupon the circuit court shall grant a rule against the party or parties so charged to show cause

within 10 days why such decision has not been complied with, which shall be served by the sheriff as other process. Upon return made to the rule, the court shall hear and determine the questions presented, and to secure a compliance with such decision, may punish the offending party or parties for contempt, but such punishment shall in no case extend to imprisonment.

(Source: P.A. 83-334; revised 8-19-22.)

(820 ILCS 35/5b) (from Ch. 10, par. 25)

Sec. 5b. Whenever two or more employers engaged in the same general line of business, employing in the aggregate not less than twenty-five persons, and having a common difference with their employees ~~employes~~, shall, co-operating together, make application for arbitration, or whenever such application shall be made by the employees ~~employes~~ of two or more employers engaged in the same general line of business, such employees ~~employes~~ being not less than twenty-five in number, and having a common difference with their employers, or whenever the application shall be made jointly by the employers and employees ~~employes~~ in such case, the Department of Labor shall have the same powers and proceed in the same manner as if the application had been made by one employer, or by the employees ~~employes~~ of one employer, or by both.

(Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

(820 ILCS 35/6) (from Ch. 10, par. 26)

Sec. 6. Whenever it shall come to the knowledge of the Department of Labor that a strike or lockout is seriously threatened in the State involving an employer and his employees ~~employes~~, if he is employing not less than twenty-five persons, the Department shall communicate as soon as may be with such employer or employees ~~employes~~, and endeavor by mediation to effect an amicable settlement, or persuade them to submit the matters in dispute to the Department.

(Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

(820 ILCS 35/6a) (from Ch. 10, par. 27)

Sec. 6a. The Mayor of every City, and the President of every incorporated town or village, whenever a strike or lockout involving more than twenty-five employees ~~employes~~ shall be threatened or has actually occurred within or near such City, incorporated town or village shall immediately communicate the fact to the Department of Labor, stating the name or names of the employer or employers and of one or more employees ~~employes~~, with their post-office addresses, the nature of the controversy or difference existing, the number of employees ~~employes~~ involved and such other information as may be required by the Department. The president or chief executive officer of every labor organization, in case of a strike or lockout, actual or threatened, involving the members

of the organization of which he is an officer, shall immediately communicate the fact of such strike or lockout to the Department, with such information as he may possess, touching the difference or controversy, and the number of employees ~~employes~~ involved.

(Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

Section 770. The Equal Pay Act of 2003 is amended by changing Section 90 as follows:

(820 ILCS 112/90)

Sec. 90. Severability. The provisions of this Act are severable under Section 1.31 ~~of the~~ of the Statute on Statutes.

(Source: P.A. 93-6, eff. 1-1-04; revised 2-28-22.)

Section 775. The One Day Rest In Seven Act is amended by changing Section 2 as follows:

(820 ILCS 140/2) (from Ch. 48, par. 8b)

Sec. 2. Hours and days of rest in every consecutive seven-day period ~~calendar week~~.

(a) Every employer shall allow every employee except those specified in this Section at least twenty-four consecutive hours of rest in every consecutive seven-day period in addition to the regular period of rest allowed at the close of

each working day.

A person employed as a domestic worker, as defined in Section 10 of the Domestic Workers' Bill of Rights Act, shall be allowed at least 24 consecutive hours of rest in every consecutive seven-day period. This subsection (a) does not prohibit a domestic worker from voluntarily agreeing to work on such day of rest required by this subsection (a) if the worker is compensated at the overtime rate for all hours worked on such day of rest. The day of rest authorized under this subsection (a) should, whenever possible, coincide with the traditional day reserved by the domestic worker for religious worship.

(b) Subsection (a) does not apply to the following:

(1) Part-time employees whose total work hours for one employer during a calendar week do not exceed 20; and

(2) Employees needed in case of breakdown of machinery or equipment or other emergency requiring the immediate services of experienced and competent labor to prevent injury to person, damage to property, or suspension of necessary operation; and

(3) Employees employed in agriculture or coal mining; and

(4) Employees engaged in the occupation of canning and processing perishable agricultural products, if such employees are employed by an employer in such occupation on a seasonal basis and for not more than 20 weeks during

any calendar year or 12 month period; and

(5) Employees employed as watchmen or security guards; and

(6) Employees who are employed in a bonafide executive, administrative, or professional capacity or in the capacity of an outside salesman, as defined in Section 12(a)(1) of the federal Fair Labor Standards Act, as amended, and those employed as supervisors as defined in Section 2(11) of the National Labor Relations Act, as amended; and

(7) Employees who are employed as crew members of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois; and

(8) Employees for whom work hours, days of work, and rest periods are established through the collective bargaining process.

(Source: P.A. 102-828, eff. 1-1-23; 102-1012, eff. 1-1-23; revised 12-14-22.)

Section 780. The Occupational Safety and Health Act is amended by changing Section 100 as follows:

(820 ILCS 219/100)

Sec. 100. Hearing.

(a) If a public employer or the employer's representative notifies the Director that the employer intends to contest a citation and notice of penalty or if, within 15 business days after the issuance of the citation, an employee or representative of employees files a notice with the Director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Director shall afford an opportunity for a hearing before an Administrative Law Judge designated by the Director.

(b) At the hearing, the employer or employee shall state his or her objections to the citation and provide evidence why the citation should not stand as issued. The Director or his or her representative shall be given the opportunity to state his or her reasons for issuing the citation. Affected employees shall be provided an opportunity to participate as parties to hearings under the rules of procedure prescribed by the Director (56 Ill. Adm. ~~Admin.~~ Code~~,~~ Part 120).

(c) The Director, or the Administrative Law Judge on behalf of the Director, has the power to do the following:

(1) Issue subpoenas for and compel the attendance of witnesses.

(2) Hear testimony and receive evidence.

(3) Order testimony of a witness residing within or without this State to be taken by deposition in the manner prescribed by law for depositions in civil cases in the circuit court in any proceeding pending before him or her

at any stage of such proceeding.

(d) Subpoenas and commissions to take testimony shall be issued by the Director. Service of subpoenas may be made by a sheriff or any other person.

(e) The circuit court for the county where any hearing is pending may compel the attendance of witnesses, the production of pertinent books, papers, records, or documents, and the giving of testimony before the Director or an Administrative Law Judge by an attachment proceeding, as for contempt, in the same manner as the production of evidence may be compelled before the court.

(f) The Administrative Law Judge on behalf of the Director, after considering the evidence presented at the formal hearing, in accordance with the Director's rules, shall enter a final decision and order within a reasonable time affirming, modifying, or vacating the citation or proposed assessment of a civil penalty, or directing other appropriate relief.

(Source: P.A. 102-705, eff. 1-1-23; revised 12-13-22.)

Section 785. The Employee Washroom Act is amended by changing the title of the Act as follows:

(820 ILCS 230/Act title)

An Act to provide for washrooms with toilet facilities in certain employments to protect the health of <u>employees</u>

~~employes~~ and secure public comfort.

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 996. No revival or extension. This Act does not revive or extend any Section or Act otherwise repealed.

Section 999. Effective date. This Act takes effect upon becoming law.

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