SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDREDTH GENERAL ASSEMBLY

145TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 28, 2018

11:25 O'CLOCK A.M.

NO. 145
[November 28, 2018]

SENATE
Daily Journal Index
145th Legislative Day

The Senate met pursuant to adjournment.
Senator Terry Link, Waukegan, Illinois, presiding.
Prayer by Pastor Doug Lowery, Maranatha Assembly of God, Decatur, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, November 27, 2018, be postponed, pending arrival of the printed Journal.
The motion prevailed.

The Journal of Saturday, July 1, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Monday, July 3, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, July 4, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, July 21, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, July 26, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, July 27, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, July 28, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Saturday, July 29, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Sunday, July 30, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Monday, July 31, 2017, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Illinois Abortion Statistics 2017, submitted by the Department of Public Health.

Illinois Film Office Quarterly Reports, FY2019 Q1 July 1, 2018 – September 30, 2018, submitted by the Illinois Film Office.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

COMMUNICATION

ILLINOIS STATE SENATE
DON HARMON
PRESIDENT PRO TEMPORE
39TH DISTRICT

DISCLOSURE TO THE SENATE

Date: 11/15/18

Legislative Measure(s): SB 3550

Venue:
Committee on _____
X Full Senate

X Due to a potential conflict of interest (or the potential appearance thereof), I abstained from voting (or voted "present") on the above legislative measure(s).

Notwithstanding a potential conflict of interest (or the potential appearance thereof), I voted in favor of or against the above legislative measure(s) because I believe doing so is in the best interests of the State.

s/Don Harmon
Senator Don Harmon

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 2214
Offered by Senator Mulroe and all Senators:
Mourns the death of Chicago Police Department Officer Samuel Jimenez.

SENATE RESOLUTION NO. 2215
Offered by Senator Mulroe and all Senators:
Mourns the death of Robert D. "Bob" Beaulieu of Palatine.

SENATE RESOLUTION NO. 2218
Offered by Senator Koehler and all Senators:
Mourns the death of William James "Bill" Howard of Pinegree Grove, formerly of Aurora.

SENATE RESOLUTION NO. 2219
Offered by Senator Koehler and all Senators:
Mourns the death of Nancy J. Monroe of Morton.

SENATE RESOLUTION NO. 2220
Offered by Senator Koehler and all Senators:
Mourns the death of Michael L. "Mike' Ryon of Peoria

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Barickman offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 2216

WHEREAS, Blake James Dale Kinnett of Alvin, Illinois is a strong-willed, independent, and hard-working high school student; he is the son of John and Becky Kinnett and has two siblings, a sister, Kaitlyn, and a brother, Garet; he attended Bismarck Henning Rossville Alvin Cooperative High School, where he enjoyed playing football and basketball for the Blue Devils; and

WHEREAS, Blake Kinnett has always had a passion for sports, especially baseball and basketball; he was a two-time State Champion in baseball by the age of 12 and played baseball in Cooperstown, New York with the Iliana Chiefs team which placed 21st out of 130 teams; during this time, he was a source of inspiration for his teammates, as he played baseball despite having a broken arm; and

WHEREAS, In addition to being an accomplished baseball player, Blake Kinnett enjoyed playing basketball in Alvin, where a community court has been renamed Kinnett's Court in his honor; and

WHEREAS, When he was not busy playing sports, Blake Kinnett could be found spending time with his friends, and family, riding around on his golf cart, fishing, or hunting turkeys; and

WHEREAS, In February 2017, Blake Kinnett was diagnosed with Adrenoleukodystrophy (ALD), a genetic disease that destroys the protective myelin sheath that surrounds the brain's neurons; and

WHEREAS, ALD affects 1 in 18,000 people, mostly boys and men; there is no cure for ALD; and

WHEREAS, In the wake of Blake Kinnett's diagnosis, the community of Alvin has been incredibly generous and supportive of him and his family; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commend Blake Kinnett for his courage and determination in the face of his ALD diagnosis; and be it further

RESOLVED, That we also commend the Kinnett family and the community of Alvin for their unwavering support of Blake; and be it further

RESOLVED, That we declare December 1, 2018 as "Blake Kinnett Day" in the State of Illinois to help raise awareness of ALD; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Blake Kinnett and his family as a symbol of our esteem and respect.

Senator Brady offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 2217

WHEREAS, State Senator Tom Rooney has represented the citizens of the 27th Senate District since September 2016; and

WHEREAS, Senator Rooney has displayed his continued commitment to civic service, having first served on the Rolling Meadows City Council, then as alderman, and later as mayor of the City of Rolling Meadows; and

WHEREAS, Senator Rooney demonstrated his passion for education by teaching economics and history at West Leyden High School for over 20 years; and

WHEREAS, Senator Rooney first served his nation in the United States Marine Corps Reserve; and

WHEREAS, Senator Rooney joined the General Assembly by filling the vacancy created by the late Senator Matt Murphy's retirement; and

WHEREAS, Senator Rooney first took to the Senate floor as part of the YMCA Youth and Government program, serving as Governor in 1986 during their model government experience; he has continued to support and encourage the growth of the YMCA program; and

WHEREAS, Senator Rooney worked as a page in the Illinois House of Representatives in 1985 and again in the House Minority Leadership Office in 1987; and

WHEREAS, Senator Rooney is the only senator in recent memory to have debated a bill from atop a step stool; and

WHEREAS, Senator Rooney has been a proud member of the unofficial "On-time Caucus"; and

WHEREAS, Senator Rooney served as the Minority Spokesperson on the Senate Higher Education Committee; and

WHEREAS, Senator Rooney served on the Higher Education Working Group, working with lawmakers to develop a series of legislative initiatives to strengthen the colleges and universities in Illinois, making them more attractive and affordable for students across the state for many years to come; and

WHEREAS, Senator Rooney has served with enthusiasm, passion, and respect for the office; and

WHEREAS, Senator Rooney always acted in the interest of the 27th District and in service to his constituents; and

WHEREAS, Senator Rooney will return to Rolling Meadows, where he will remain active in the community and in the classroom and continue to relate principles of economics to the fiscal future of Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we thank Senator Tom Rooney for his dedicated service to the people of Illinois and honor him with this resolution; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Senator Rooney as an expression of our esteem, respect, and best wishes for his future endeavors.

Senator J. Cullerton offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 2221

WHEREAS, Senator Kwame Raoul was told he had big shoes to fill when he was appointed to the Senate seat vacated by then-Senator Barack Obama in 2004, but he proved quickly that he was not the "next" Barack Obama but rather the first Kwame Raoul; and

WHEREAS, Over the next decade and a half, Senator Raoul became a leader in the Senate, a trusted negotiator, someone willing to work across the aisle, and a fighter who never shied away from a difficult issue; and

WHEREAS, Senator Raoul was a tireless champion for the people of the 13th Senate District, addressing the issues they care about most, including criminal justice reform, stopping gun violence, workers' rights, and access to affordable health care; and

WHEREAS, Senator Raoul is the proud son of Haitian immigrants, Dr. Janin Raoul and Marie Therese Raoul, and he is a lifelong resident of the Hyde Park/Kenwood area; and

WHEREAS, Senator Raoul was greatly influenced by the work of his father, a community physician who believed in health care as a human right; and

WHEREAS, Senator Raoul pursued a law degree from Chicago-Kent College of Law and began his career as a prosecutor in the Cook County State's Attorney's Office, where he advocated for victims of crime and for child protection; and

WHEREAS, Senator Raoul continued his public service as a labor and employment attorney for the City Colleges of Chicago; and

WHEREAS, Upon arriving in Springfield, Senator Raoul quickly gained the confidence of Senate leadership to handle difficult negotiations, from workers' compensation reform and redistricting to one of the most contentious legislative issues in recent memory, comprehensive public employee pension reform; and

WHEREAS, Senator Raoul's experience as a prosecutor led him to continually advocate for criminal justice reform in the Senate, passing historic legislation to abolish the death penalty, introducing innocence legislation allowing vindication for the falsely accused, and sponsoring numerous diversion and second-chance programs for ex-offenders; and

WHEREAS, Senator Raoul has seen firsthand the impact gun violence has on communities, having close friends who lost their children to gun violence and experiencing it on the street outside his home; and

WHEREAS, Senator Raoul therefore made fighting gun violence a priority during his time in the Senate, cracking down on repeat gun offenders, increasing treatment options for those impacted by the trauma of violence, and introducing legislation banning the use of bump stocks and trigger cranks; and

WHEREAS, Senator Raoul saw the great need to improve police-community relations and passed landmark law enforcement reform, including standards for officer-worn body cameras to increase trust and transparency; and

WHEREAS, Senator Raoul was commended for his work for victims of sexual assault and domestic violence, passing the Sexual Assault Survivor's Bill of Rights and sponsoring a plan to shield victims of domestic violence from liability if they terminate their lease early to escape an abusive situation; and

WHEREAS, Senator Raoul dedicated himself to strengthening and protecting voters' rights, passing the Illinois Voting Rights Act to protect racial and language minorities and increase transparency and public participation in the redistricting process, and passing legislation to end Illinois' participation in the flawed Interstate Voter Registration Crosscheck Program; and

WHEREAS, Senator Raoul distinguished himself as a skilled negotiator by leading the Senate's 2011 workers' compensation reforms, which have saved employers hundreds of millions of dollars; and

WHEREAS, Senator Raoul, who would always draw inspiration from his own life when bringing issues to the Senate floor, received perhaps his greatest test yet when he was diagnosed with prostate cancer; and

WHEREAS, Senator Raoul recognized that early detection and treatment were key to surviving the same disease that took the life of his father and grandfather, which only strengthened his determination to ensure everyone in Illinois has access to affordable, quality health insurance and to serve as a personal mentor to others who have been diagnosed; and

WHEREAS, Senator Raoul has been a member of the board of directors of International Child Care, a non-profit organization that operates Grace Children's Hospital in Port au Prince, Haiti, and has been involved in efforts to rebuild the hospital's inpatient building, which was destroyed in an earthquake in 2010; and

WHEREAS, Senator Raoul serves on the board of Legal Prep Charter Academies and was on the board of the Cook County Bar Association; he is a member of 100 Black Men and the Kappa Alpha Psi Fraternity; and

WHEREAS, Senator Raoul is the proud father of two children, Che and Mizan, and recently became engaged to the wonderful and brilliant Dr. Lisa Moore; and

WHEREAS, Senator Raoul is leaving the Senate to become Attorney General of Illinois, a position in which he will no doubt remain a champion for the people of Illinois and continue his life's work pursuing equality and justice; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we thank Senator Kwame Raoul for his years of service to the people of Illinois and honor him with this resolution; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Senator Raoul as a symbol of our gratitude and with our best wishes for all his future endeavors.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 938

A bill for AN ACT concerning health.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 938

Passed the House, as amended, November 27, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 938

AMENDMENT NO. 1. Amend Senate Bill 938 by replacing everything after the enacting clause with the following:

"Section 5. The Specialized Mental Health Rehabilitation Act of 2013 is amended by changing Sections 2-101 and 4-102 as follows:

(210 ILCS 49/2-101)

Sec. 2-101. Standards for facilities.

(a) The Department shall, by rule, prescribe minimum standards for each level of care for facilities to be in place during the provisional licensure period and thereafter. These standards shall include, but are not limited to, the following:

(1) life safety standards that will ensure the health, safety and welfare of residents and their protection from hazards;

(2) number and qualifications of all personnel, including management and clinical personnel, having responsibility for any part of the care given to consumers; specifically, the Department shall establish staffing ratios for facilities which shall specify the number of staff hours per consumer of care that are needed for each level of care offered within the facility;

(3) all sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which shall ensure the health and comfort of consumers;

(4) a program for adequate maintenance of physical plant and equipment;

(5) adequate accommodations, staff, and services for the number and types of services being offered to consumers for whom the facility is licensed to care;

(6) development of evacuation and other appropriate safety plans for use during weather, health, fire, physical plant, environmental, and national defense emergencies;

(7) maintenance of minimum financial or other resources necessary to meet the standards established under this Section, and to operate and conduct the facility in accordance with this Act; and

(8) standards for coercive free environment, restraint, and therapeutic separation.

(b) Any requirement contained in administrative rule concerning a percentage of single occupancy rooms shall be calculated based on the total number of licensed or provisionally licensed beds under this Act on January 1, 2019 and shall not be calculated on a per-facility basis.

(Source: P.A. 98-104, eff. 7-22-13.)

(210 ILCS 49/4-102)

Sec. 4-102. Necessity of license. No person may establish, operate, maintain, offer, or advertise a facility within this State unless and until he or she obtains a valid license therefor as hereinafter provided, which license remains unsuspended, unrevoked, and unexpired. No public official or employee may place any person in, or recommend that any person be in, or directly or indirectly cause any person to be placed in any facility that is being operated without a valid license. All licenses and licensing procedures established under Article III of the Nursing Home Care Act, except those contained in Section 3-202, shall be deemed valid under this Act until the Department establishes licensure. The Department is granted the authority under this Act to establish provisional licensure and licensing procedures under this Act by emergency rule and shall do so within 120 days of the effective date of this Act. The Department shall not grant a provisional license to any facility that does not possess a provisional license on November 30, 2018 and is licensed under the Nursing Home Care Act on or before November 30, 2018. The Department shall not grant a license to any facility that has not first received a provisional license. The changes made by this amendatory Act of the 100th General Assembly do not apply to the provisions of subsection (c) of Section 1-101.5 concerning facility closure and relocation.

(Source: P.A. 98-104, eff. 7-22-13.)

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

Under the rules, the foregoing **Senate Bill No. 938**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1415

A bill for AN ACT concerning local government.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1415

House Amendment No. 3 to SENATE BILL NO. 1415

Passed the House, as amended, November 27, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1415

AMENDMENT NO. 2. Amend Senate Bill 1415 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-1 as follows:

(65 ILCS 5/11-74.4-1) (from Ch. 24, par. 11-74.4-1)

Sec. 11-74.4-1. This Division 74.4 shall be known and ~~and~~ may be cited as the "Tax Increment Allocation Redevelopment Act".

(Source: P.A. 84-1417.)".

AMENDMENT NO. 3 TO SENATE BILL 1415

AMENDMENT NO. 3. Amend Senate Bill 1415 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-3.5 as follows:

(65 ILCS 5/11-74.4-3.5)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on or after January 15, 1981.

(a-5) If the redevelopment project area is located within a transit facility improvement area established pursuant to Section 11-74.4-3, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted.

(a-7) A municipality may adopt tax increment financing for a redevelopment project area located in a transit facility improvement area that also includes real property located within an existing redevelopment project area established prior to August 12, 2016 (the effective date of Public Act 99-792). In such case: (i) the provisions of this Division shall apply with respect to the previously established redevelopment project area until the municipality adopts, as required in accordance with applicable provisions of this Division, an ordinance dissolving the special tax allocation fund for such redevelopment project area and terminating the designation of such redevelopment project area as a redevelopment project area; and (ii) after the effective date of the ordinance described in (i), the provisions of this Division shall apply with respect to the subsequently established redevelopment project area located in a transit facility improvement area.

(b) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 32nd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on September 9, 1999 by the Village of Downs.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 33rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 28th calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on October 12, 1989 by the City of Lawrenceville.

(c) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted:

(1) If the ordinance was adopted before January 15, 1981.

(2) If the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989.

(3) If the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport.

(4) If the ordinance was adopted before January 1, 1987 by a municipality in Mason County.

(5) If the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law.

(6) If the ordinance was adopted in December 1984 by the Village of Rosemont.

(7) If the ordinance was adopted on December 31, 1986 by a municipality located in

Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997.

(8) If the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis.

(9) If the ordinance was adopted on November 12, 1991 by the Village of Sauget.

(10) If the ordinance was adopted on February 11, 1985 by the City of Rock Island.

(11) If the ordinance was adopted before December 18, 1986 by the City of Moline.

(12) If the ordinance was adopted in September 1988 by Sauk Village.

(13) If the ordinance was adopted in October 1993 by Sauk Village.

(14) If the ordinance was adopted on December 29, 1986 by the City of Galva.

(15) If the ordinance was adopted in March 1991 by the City of Centreville.

(16) If the ordinance was adopted on January 23, 1991 by the City of East St. Louis.

(17) If the ordinance was adopted on December 22, 1986 by the City of Aledo.

(18) If the ordinance was adopted on February 5, 1990 by the City of Clinton.

(19) If the ordinance was adopted on September 6, 1994 by the City of Freeport.

(20) If the ordinance was adopted on December 22, 1986 by the City of Tuscola.

(21) If the ordinance was adopted on December 23, 1986 by the City of Sparta.

(22) If the ordinance was adopted on December 23, 1986 by the City of Beardstown.

(23) If the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville.

(24) If the ordinance was adopted on December 29, 1986 by the City of Collinsville.

(25) If the ordinance was adopted on September 14, 1994 by the City of Alton.

(26) If the ordinance was adopted on November 11, 1996 by the City of Lexington.

(27) If the ordinance was adopted on November 5, 1984 by the City of LeRoy.

(28) If the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham.

(29) If the ordinance was adopted on November 11, 1986 by the City of Pekin.

(30) If the ordinance was adopted on December 15, 1981 by the City of Champaign.

(31) If the ordinance was adopted on December 15, 1986 by the City of Urbana.

(32) If the ordinance was adopted on December 15, 1986 by the Village of Heyworth.

(33) If the ordinance was adopted on February 24, 1992 by the Village of Heyworth.

(34) If the ordinance was adopted on March 16, 1995 by the Village of Heyworth.

(35) If the ordinance was adopted on December 23, 1986 by the Town of Cicero.

(36) If the ordinance was adopted on December 30, 1986 by the City of Effingham.

(37) If the ordinance was adopted on May 9, 1991 by the Village of Tilton.

(38) If the ordinance was adopted on October 20, 1986 by the City of Elmhurst.

(39) If the ordinance was adopted on January 19, 1988 by the City of Waukegan.

(40) If the ordinance was adopted on September 21, 1998 by the City of Waukegan.

(41) If the ordinance was adopted on December 31, 1986 by the City of Sullivan.

(42) If the ordinance was adopted on December 23, 1991 by the City of Sullivan.

(43) If the ordinance was adopted on December 31, 1986 by the City of Oglesby.

(44) If the ordinance was adopted on July 28, 1987 by the City of Marion.

(45) If the ordinance was adopted on April 23, 1990 by the City of Marion.

(46) If the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect.

(47) If the ordinance was adopted on February 2, 1998 by the Village of Woodhull.

(48) If the ordinance was adopted on April 20, 1993 by the Village of Princeville.

(49) If the ordinance was adopted on July 1, 1986 by the City of Granite City.

(50) If the ordinance was adopted on February 2, 1989 by the Village of Lombard.

(51) If the ordinance was adopted on December 29, 1986 by the Village of Gardner.

(52) If the ordinance was adopted on July 14, 1999 by the Village of Paw Paw.

(53) If the ordinance was adopted on November 17, 1986 by the Village of Franklin Park.

(54) If the ordinance was adopted on November 20, 1989 by the Village of South Holland.

(55) If the ordinance was adopted on July 14, 1992 by the Village of Riverdale.

(56) If the ordinance was adopted on December 29, 1986 by the City of Galesburg.

(57) If the ordinance was adopted on April 1, 1985 by the City of Galesburg.

(58) If the ordinance was adopted on May 21, 1990 by the City of West Chicago.

(59) If the ordinance was adopted on December 16, 1986 by the City of Oak Forest.

(60) If the ordinance was adopted in 1999 by the City of Villa Grove.

(61) If the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion.

(62) If the ordinance was adopted on December 30, 1986 by the Village of Manteno.

(63) If the ordinance was adopted on April 3, 1989 by the City of Chicago Heights.

(64) If the ordinance was adopted on January 6, 1999 by the Village of Rosemont.

(65) If the ordinance was adopted on December 19, 2000 by the Village of Stone Park.

(66) If the ordinance was adopted on December 22, 1986 by the City of DeKalb.

(67) If the ordinance was adopted on December 2, 1986 by the City of Aurora.

(68) If the ordinance was adopted on December 31, 1986 by the Village of Milan.

(69) If the ordinance was adopted on September 8, 1994 by the City of West Frankfort.

(70) If the ordinance was adopted on December 23, 1986 by the Village of Libertyville.

(71) If the ordinance was adopted on December 22, 1986 by the Village of Hoffman Estates.

(72) If the ordinance was adopted on September 17, 1986 by the Village of Sherman.

(73) If the ordinance was adopted on December 16, 1986 by the City of Macomb.

(74) If the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the West Washington Street TIF.

(75) If the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the Camp Street TIF.

(76) If the ordinance was adopted on August 7, 2000 by the City of Des Plaines.

(77) If the ordinance was adopted on December 22, 1986 by the City of Washington to create the Washington Square TIF #2.

(78) If the ordinance was adopted on December 29, 1986 by the City of Morris.

(79) If the ordinance was adopted on July 6, 1998 by the Village of Steeleville.

(80) If the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF I (the Main St TIF).

(81) If the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF II (the Interstate TIF).

(82) If the ordinance was adopted on November 6, 2002 by the City of Chicago to create the Madden/Wells TIF District.

(83) If the ordinance was adopted on November 4, 1998 by the City of Chicago to create the Roosevelt/Racine TIF District.

(84) If the ordinance was adopted on June 10, 1998 by the City of Chicago to create the Stony Island Commercial/Burnside Industrial Corridors TIF District.

(85) If the ordinance was adopted on November 29, 1989 by the City of Chicago to create the Englewood Mall TIF District.

(86) If the ordinance was adopted on December 27, 1986 by the City of Mendota.

(87) If the ordinance was adopted on December 31, 1986 by the Village of Cahokia.

(88) If the ordinance was adopted on September 20, 1999 by the City of Belleville.

(89) If the ordinance was adopted on December 30, 1986 by the Village of Bellevue to create the Bellevue TIF District 1.

(90) If the ordinance was adopted on December 13, 1993 by the Village of Crete.

(91) If the ordinance was adopted on February 12, 2001 by the Village of Crete.

(92) If the ordinance was adopted on April 23, 2001 by the Village of Crete.

(93) If the ordinance was adopted on December 16, 1986 by the City of Champaign.

(94) If the ordinance was adopted on December 20, 1986 by the City of Charleston.

(95) If the ordinance was adopted on June 6, 1989 by the Village of Romeoville.

(96) If the ordinance was adopted on October 14, 1993 and amended on August 2, 2010 by the City of Venice.

(97) If the ordinance was adopted on June 1, 1994 by the City of Markham.

(98) If the ordinance was adopted on May 19, 1998 by the Village of Bensenville.

(99) If the ordinance was adopted on November 12, 1987 by the City of Dixon.

(100) If the ordinance was adopted on December 20, 1988 by the Village of Lansing.

(101) If the ordinance was adopted on October 27, 1998 by the City of Moline.

(102) If the ordinance was adopted on May 21, 1991 by the Village of Glenwood.

(103) If the ordinance was adopted on January 28, 1992 by the City of East Peoria.

(104) If the ordinance was adopted on December 14, 1998 by the City of Carlyle.

(105) If the ordinance was adopted on May 17, 2000, as subsequently amended, by the City of Chicago to create the Midwest Redevelopment TIF District.

(106) If the ordinance was adopted on September 13, 1989 by the City of Chicago to create the Michigan/Cermak Area TIF District.

(107) If the ordinance was adopted on March 30, 1992 by the Village of Ohio.

(108) If the ordinance was adopted on July 6, 1998 by the Village of Orangeville.

(109) If the ordinance was adopted on December 16, 1997 by the Village of Germantown.

(110) If the ordinance was adopted on April 28, 2003 by Gibson City.

(111) If the ordinance was adopted on December 18, 1990 by the Village of Washington Park, but only after the Village of Washington Park becomes compliant with the reporting requirements under subsection (d) of Section 11-74.4-5, and after the State Comptroller's certification of such compliance.

(112) If the ordinance was adopted on February 28, 2000 by the City of Harvey.

(113) If the ordinance was adopted on January 11, 1991 by the City of Chicago to create the Read/Dunning TIF District.

(114) If the ordinance was adopted on July 24, 1991 by the City of Chicago to create the Sanitary and Ship Canal TIF District.

(115) If the ordinance was adopted on December 4, 2007 by the City of Naperville.

(116) If the ordinance was adopted on July 1, 2002 by the Village of Arlington Heights.

(117) If the ordinance was adopted on February 11, 1991 by the Village of Machesney Park.

(118) If the ordinance was adopted on December 29, 1993 by the City of Ottawa.

(119) If the ordinance was adopted on June 4, 1991 by the Village of Lansing.

(120) If the ordinance was adopted on February 10, 2004 by the Village of Fox Lake.

(121) If the ordinance was adopted on December 22, 1992 by the City of Fairfield.

(122) If the ordinance was adopted on February 10, 1992 by the City of Mt. Sterling.

(123) If the ordinance was adopted on March 15, 2004 by the City of Batavia.

(124) If the ordinance was adopted on March 18, 2002 by the Village of Lake Zurich.

(125) If the ordinance was adopted on September 23, 1997 by the City of Granite City.

(126) If the ordinance was adopted on May 8, 2013 by the Village of Rosemont to create the Higgins Road/River Road TIF District No. 6.

(127) If the ordinance was adopted on November 22, 1993 by the City of Arcola.

(128) If the ordinance was adopted on September 7, 2004 by the City of Arcola.

(129) If the ordinance was adopted on November 29, 1999 by the City of Paris.

(130) If the ordinance was adopted on September 20, 1994 by the City of Ottawa to create the U.S. Route 6 East Ottawa TIF.

(131) If the ordinance was adopted on May 2, 2002 by the Village of Crestwood.

(132) If the ordinance was adopted on October 27, 1992 by the City of Blue Island.

(133) If the ordinance was adopted on December 23, 1993 by the City of Lacon.

(134) If the ordinance was adopted on May 4, 1998 by the Village of Bradford.

(135) If the ordinance was adopted on June 11, 2002 by the City of Oak Forest.

(136) If the ordinance was adopted on November 16, 1992 by the City of Pinckneyville.

(137) If the ordinance was adopted on March 1, 2001 by the Village of South Jacksonville.

(138) If the ordinance was adopted on February 26, 1992 by the City of Chicago to create the Stockyards Southeast Quadrant TIF District.

(139) If the ordinance was adopted on January 25, 1993 by the City of LaSalle.

(140) If the ordinance was adopted on December 23, 1997 by the Village of Dieterich.

(141) If the ordinance was adopted on February 10, 2016 by the Village of Rosemont to create the Balmoral/Pearl TIF No. 8 Tax Increment Financing Redevelopment Project Area.

(142) If the ordinance was adopted on June 11, 2002 by the City of Oak Forest.

(143) If the ordinance was adopted on January 31, 1995 by the Village of Milledgeville.

(144) If the ordinance was adopted on February 5, 1996 by the Village of Pearl City.

(145) If the ordinance was adopted on December 21, 1994 by the City of Calumet City.

(146) If the ordinance was adopted on May 5, 2003 by the Town of Normal.

(147) ~~(146)~~ If the ordinance was adopted on June 2, 1998 by the City of Litchfield.

(148) ~~(143)~~ If the ordinance was adopted on October 23, 1995 by the City of Marion.

(149) ~~(146)~~ If the ordinance was adopted on May 24, 2001 by the Village of Hanover Park.

(150) ~~(146)~~ If the ordinance was adopted on May 30, 1995 by the Village of Dalzell.

(151) ~~(146)~~ If the ordinance was adopted on April 15, 1997 by the City of Edwardsville.

(152) ~~(147)~~ If the ordinance was adopted on September 5, 1995 by the City of Granite City.

(153) ~~(143)~~ If the ordinance was adopted on June 21, 1999 by the Village of Table Grove.

(154) ~~(146)~~ If the ordinance was adopted on February 23, 1995 by the City of Springfield.

(155) ~~(146)~~ If the ordinance was adopted on August 11, 1999 by the City of Monmouth.

(156) ~~(146)~~ If the ordinance was adopted on December 26, 1995 by the Village of Posen.

(157) ~~(147)~~ If the ordinance was adopted on July 1, 1995 by the Village of Caseyville.

(158) ~~(146)~~ If the ordinance was adopted on January 30, 1996 by the City of Madison.

(159) If the ordinance was adopted on February 2, 1996 by the Village of Hartford.

(160) If the ordinance was adopted on July 2, 1996 by the Village of Manlius.

(161) If the ordinance was adopted on March 21, 2000 by the City of Hoopeston.

(162) If the ordinance was adopted on March 22, 2005 by the City of Hoopeston.

(163) If the ordinance was adopted on July 10, 1996 by the City of Chicago to create the Goose Island TIF District.

(164) If the ordinance was adopted on December 11, 1996 by the City of Chicago to create the Bryn Mawr/Broadway TIF District.

(165) If the ordinance was adopted on December 31, 1995 by the City of Chicago to create the 95th/Western TIF District.

(166) If the ordinance was adopted on October 7, 1998 by the City of Chicago to create the 71st and Stony Island TIF District.

(167) If the ordinance was adopted on April 19, 1995 by the Village of North Utica.

(168) If the ordinance was adopted on April 22, 1996 by the City of LaSalle.

(169) If the ordinance was adopted on June 9, 2008 by the City of Country Club Hills.

(d) For redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

(e) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f-5) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 47 years for redevelopment project areas that were established on December 29, 1981 by the City of Springfield; provided that (i) the City of Springfield adopts an ordinance extending the life of the redevelopment project area to 47 years and (ii) the City of Springfield provides notice to the taxing bodies that would otherwise constitute the joint review board for the redevelopment project area not more than 30 and not less than 14 days prior to the adoption of that ordinance.

(g) In consolidating the material relating to completion dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the General Assembly to make any substantive change in the law, except for the extension of the completion dates for the City of Aurora, the Village of Milan, the City of West Frankfort, the Village of Libertyville, and the Village of Hoffman Estates set forth under items (67), (68), (69), (70), and (71) of subsection (c) of this Section.

(Source: P.A. 99-78, eff. 7-20-15; 99-136, eff. 7-24-15; 99-263, eff. 8-4-15; 99-361, eff. 1-1-16; 99-394, eff. 8-18-15; 99-495, eff. 12-17-15; 99-508, eff. 6-24-16; 99-792, eff. 8-12-16; 100-201, eff. 8-18-17; 100-214, eff. 8-18-17; 100-249, eff. 8-22-17; 100-510, eff. 9-15-17; 100-591, eff. 6-21-18; 100-609, eff. 7-17-18; 100-836, eff. 8-13-18; 100-853, eff. 8-14-18; 100-859, eff. 8-14-18; 100-863, eff. 8-14-18; 100-873,

eff. 8-14-18; 100-899, eff. 8-17-18; 100-928, eff. 8-17-18; 100-967, eff. 8-19-18; 100-1031, eff. 8-22-18; 100-1032, eff. 8-22-18; revised 9-28-18.)

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

Under the rules, the foregoing **Senate Bill No. 1415**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3247

A bill for AN ACT concerning property.
Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 2 to SENATE BILL NO. 3247
Passed the House, as amended, November 27, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 3247

AMENDMENT NO. _2__. Amend Senate Bill 3247 by deleting page 16, line 14 through page 17, line 2.

Under the rules, the foregoing **Senate Bill No. 3247**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 904

A bill for AN ACT concerning regulation.
Passed the House, November 27, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 1737

A bill for AN ACT concerning regulation.
Passed the House, November 27, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 2297

A bill for AN ACT concerning local government.
Passed the House, November 27, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 2419

A bill for AN ACT concerning regulation.
Passed the House, November 27, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 2481

A bill for AN ACT concerning courts.
Passed the House, November 27, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 3041

A bill for AN ACT concerning local government.
Passed the House, November 27, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 65

Concurred in by the House, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 70

Concurred in by the House, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 938
Motion to Concur in House Amendments 2 and 3 to Senate Bill 1415
Motion to Concur in House Amendment 2 to Senate Bill 3247

MOTIONS IN WRITING

Senator Curran submitted the following Motion in Writing:

I move that House Bill 4514 do pass, notwithstanding the specific recommendations of the Governor.

11/27/18	s/John Curran
DATE	SENATOR

Senator Harris submitted the following Motion in Writing:

I move that House Bill 4645 do pass, notwithstanding the veto of the Governor.

11-27-18	s/Napoleon Harris
DATE	SENATOR

The foregoing Motions in Writing were filed with the Secretary and ordered placed on the Senate Calendar.

LEGISLATIVE MEASURE FILED

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to House Bill 278

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 2222
Offered by Senator Harmon and all Senators:
Mourns the death of Judith D. Harmon of River Forest.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Resolutions 2150, 2216, 2217 and 2221

The foregoing resolutions were placed on the Secretary's Desk.

Floor Amendment No. 1 to House Bill 278

The foregoing floor amendment was placed on the Secretary's Desk.

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, to which was referred **House Bill No. 1125** on August 4, 2017, pursuant to Rule 3-9(b), reported

that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 1125** was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, to which was referred **House Bill No. 2505** on May 31, 2018, pursuant to Rule 3-9(a), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 2505** was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, to which was referred **House Bill No. 4310** on May 31, 2018, pursuant to Rule 3-9(a), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 4310** was returned to the order of second reading.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 1 to House Bill 2505

The foregoing floor amendment was placed on the Secretary's Desk.

At the hour of 11:54 o'clock a.m., Senator Murphy, presiding, for the purpose of an introduction.

At the hour of 12:15 o'clock p.m., Senator Link, presiding, and the Senate resumed consideration of business.

LEGISLATIVE MEASURE FILED

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Floor Amendment No. 2 to House Bill 2505

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Barickman moved that **Senate Resolution No. 2216**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Barickman moved that Senate Resolution No. 2216 be adopted.

The motion prevailed.

And the resolution was adopted.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator T. Cullerton, **House Bill No. 4310** was taken up, read by title a second time and ordered to a third reading.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 2223

Offered by Senator Clayborne and all Senators:
Mourns the death of Rita F. (Babic) Keefe of Belleville.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Tuesday, November 27, 2018 and journalized Tuesday, November 27, 2018, Senator Cunningham moved to accept the Governor's specific recommendations for change to **House Bill No. 5177**.

And on that motion, a call of the roll was had resulting as follows:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Martinez	Rooney
Aquino	DeWitte	McCann	Sandoval
Barickman	Fowler	McCarter	Schimpf
Bennett	Haine	McConchie	Sims
Bertino-Tarrant	Harmon	McGuire	Stadelman
Biss	Harris	Morrison	Steans
Bivins	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Koehler	Nathwani	Weaver
Clayborne	Landek	Oberweis	Mr. President
Collins	Lightford	Raoul	
Cullerton, T.	Link	Rezin	
Cunningham	Manar	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 5177.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Holmes moved that **House Bill No. 126** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAY 1; Present 1.

The following voted in the affirmative:

Anderson	Cunningham	Link	Sandoval
Aquino	Curran	Manar	Schimpf
Barickman	DeWitte	Martinez	Silverstein
Bennett	Fowler	McCann	Sims
Bertino-Tarrant	Haine	McConchie	Stadelman
Biss	Harmon	McGuire	Steans

Bivins	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Nathwani	Weaver
Clayborne	Koehler	Oberweis	Wilcox
Collins	Landek	Raoul	Mr. President
Cullerton, T.	Lightford	Rezin	

The following voted in the negative:

McCarter

The following voted present:

Murphy

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Holmes moved that **House Bill No. 127** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 48; NAYS 2; Present 1.

The following voted in the affirmative:

Anderson	Curran	Manar	Silverstein
Aquino	DeWitte	Martinez	Sims
Barickman	Fowler	McCann	Stadelman
Bennett	Haine	McConchie	Steans
Bertino-Tarrant	Harmon	McGuire	Syverson
Biss	Harris	Morrison	Tracy
Brady	Hastings	Mulroe	Van Pelt
Bush	Holmes	Muñoz	Wilcox
Castro	Hunter	Murphy	Mr. President
Clayborne	Koehler	Nathwani	
Collins	Landek	Raoul	
Cullerton, T.	Lightford	Sandoval	
Cunningham	Link	Schimpf	

The following voted in the negative:

McCarter
Oberweis

The following voted present:

Weaver

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Bertino-Tarrant moved that **House Bill No. 1262** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 35; NAYS 18.

The following voted in the affirmative:

Aquino	Haine	Link	Raoul
Bennett	Harmon	Manar	Sandoval
Bertino-Tarrant	Harris	Martinez	Silverstein
Biss	Hastings	McGuire	Sims
Castro	Holmes	Morrison	Stadelman
Clayborne	Hunter	Mulroe	Steans
Collins	Koehler	Muñoz	Van Pelt
Cullerton, T.	Landek	Murphy	Mr. President
Cunningham	Lightford	Nathwani	

The following voted in the negative:

Anderson	DeWitte	Oberweis	Tracy
Barickman	Fowler	Righter	Weaver
Bivins	McCann	Rooney	Wilcox
Brady	McCarter	Schimpf	
Curran	McConchie	Syverson	

The motion, having failed to receive the vote of three-fifths of the members elected, was lost.
Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Cunningham moved that **House Bill No. 4282** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 50; NAY 1.

The following voted in the affirmative:

Anderson	Cunningham	Link	Sandoval
Aquino	Curran	Manar	Schimpf
Barickman	DeWitte	Martinez	Silverstein
Bennett	Fowler	McCann	Sims
Bertino-Tarrant	Haine	McConchie	Stadelman
Biss	Harmon	McGuire	Steans
Bivins	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Murphy	Weaver
Clayborne	Koehler	Nathwani	Mr. President
Collins	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	

The following voted in the negative:

Oberweis

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Bertino-Tarrant moved that **House Bill No. 4284** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 44; NAYS 10.

The following voted in the affirmative:

Aquino	Haine	McCann	Schimpf
Bennett	Harmon	McConchie	Silverstein
Bertino-Tarrant	Harris	McGuire	Sims
Biss	Hastings	Morrison	Stadelman
Bush	Holmes	Mulroe	Steans
Castro	Hunter	Muñoz	Syverson
Clayborne	Koehler	Murphy	Van Pelt
Collins	Landek	Nathwani	Mr. President
Cullerton, T.	Lightford	Raoul	
Cunningham	Link	Rezin	
Curran	Manar	Righter	
Fowler	Martinez	Sandoval	

The following voted in the negative:

Barickman	DeWitte	Rooney	Wilcox
Bivins	McCarter	Tracy	
Brady	Oberweis	Weaver	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Senator McConchie asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **House Bill No. 4284**.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Sims moved that **House Bill No. 4657** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 50; NAY 1.

The following voted in the affirmative:

Anderson	Curran	Manar	Sandoval
Aquino	DeWitte	Martinez	Schimpf
Barickman	Fowler	McCann	Silverstein
Bennett	Haine	McGuire	Sims
Bertino-Tarrant	Harmon	Morrison	Stadelman
Biss	Harris	Mulroe	Steans
Brady	Hastings	Muñoz	Syverson
Bush	Holmes	Murphy	Tracy
Castro	Hunter	Nathwani	Van Pelt
Clayborne	Koehler	Oberweis	Weaver
Collins	Landek	Raoul	Mr. President
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Righter	

The following voted in the negative:

Rooney

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Holmes moved that **House Bill No. 5221** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 45; NAYS 5; Present 1.

The following voted in the affirmative:

Anderson	Cunningham	Manar	Sandoval
Aquino	Curran	Martinez	Schimpf
Barickman	Fowler	McCann	Silverstein
Bennett	Haine	McConchie	Sims
Bertino-Tarrant	Harmon	McGuire	Stadelman
Biss	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Van Pelt
Castro	Koehler	Nathwani	Mr. President
Clayborne	Landek	Raoul	
Collins	Lightford	Rezin	
Cullerton, T.	Link	Righter	

The following voted in the negative:

DeWitte	Oberweis	Weaver
McCarter	Tracy	

The following voted present:

Murphy

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Mulroe moved that **House Bill No. 5342** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 44; NAY 1.

The following voted in the affirmative:

Anderson	Fowler	Martinez	Silverstein
Bennett	Haine	McCann	Sims
Bertino-Tarrant	Harmon	McConchie	Stadelman
Biss	Harris	McGuire	Steans
Bush	Hastings	Morrison	Syverson
Castro	Holmes	Mulroe	Van Pelt
Clayborne	Hunter	Muñoz	Weaver
Collins	Koehler	Nathwani	Mr. President
Cullerton, T.	Landek	Raoul	

Cunningham	Lightford	Rezin
Curran	Link	Sandoval
DeWitte	Manar	Schimpf

The following voted in the negative:

Oberweis

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Tuesday, November 27, 2018 and journalized Wednesday, November 28, 2018, Senator Harris moved that **House Bill No. 4645** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 53; NAY 1.

The following voted in the affirmative:

Anderson	Curran	Martinez	Sandoval
Aquino	DeWitte	McCann	Schimpf
Barickman	Fowler	McConchie	Silverstein
Bennett	Haine	McGuire	Sims
Bertino-Tarrant	Harmon	Morrison	Stadelman
Biss	Harris	Mulroe	Steans
Bivins	Hastings	Muñoz	Syverson
Brady	Holmes	Murphy	Tracy
Bush	Hunter	Nathwani	Van Pelt
Castro	Koehler	Oberweis	Weaver
Clayborne	Landek	Raoul	Mr. President
Collins	Lightford	Rezin	
Cullerton, T.	Link	Righter	
Cunningham	Manar	Rose	

The following voted in the negative:

McCarter

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Hunter moved that **House Bill No. 3418** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 49; NAY 1.

The following voted in the affirmative:

Anderson	Curran	Manar	Sandoval
Aquino	DeWitte	Martinez	Schimpf
Barickman	Fowler	McCann	Silverstein
Bennett	Haine	McConchie	Sims
Bertino-Tarrant	Harmon	McGuire	Stadelman
Biss	Harris	Morrison	Steans

Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Murphy	Weaver
Clayborne	Koehler	Nathwani	Mr. President
Collins	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rose	

The following voted in the negative:

Oberweis

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Tuesday, November 15, 2018 and journalized Tuesday, November 27, 2018, Senator Lightford moved that **House Bill No. 4743** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 49; NAY 1.

The following voted in the affirmative:

Anderson	Curran	Manar	Sandoval
Aquino	DeWitte	Martinez	Schimpf
Barickman	Fowler	McCann	Silverstein
Bennett	Haine	McGuire	Sims
Bertino-Tarrant	Harmon	Morrison	Stadelman
Biss	Harris	Mulroe	Steans
Brady	Hastings	Muñoz	Tracy
Bush	Holmes	Murphy	Van Pelt
Castro	Hunter	Nathwani	Weaver
Clayborne	Koehler	Oberweis	Mr. President
Collins	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Rose	

The following voted in the negative:

McCarter

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

MOTION IN WRITING

Senator Bertino-Tarrant submitted the following Motion in Writing:

I move that House Bill 1262 do pass, notwithstanding the veto of the Governor.

11-28-18	s/Jennifer Bertino-Tarrant
DATE	SENATOR

CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Mulroe moved that **House Bill No. 4771** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	McCann	Sandoval
Aquino	Fowler	McConchie	Schimpf
Barickman	Haine	McGuire	Silverstein
Bennett	Harmon	Morrison	Sims
Bertino-Tarrant	Harris	Mulroe	Stadelman
Biss	Hastings	Muñoz	Steans
Brady	Holmes	Murphy	Syverson
Bush	Hunter	Nathwani	Tracy
Castro	Koehler	Oberweis	Van Pelt
Clayborne	Landek	Raoul	Weaver
Collins	Lightford	Rezin	Wilcox
Cullerton, T.	Link	Righter	Mr. President
Cunningham	Manar	Rooney	
Curran	Martinez	Rose	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, November 15, 2018 and journalized Thursday, November 15, 2018, Senator Clayborne moved that **House Bill No. 5195** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 41; NAYS 11.

The following voted in the affirmative:

Aquino	Haine	Martinez	Sandoval
Bennett	Harmon	McCann	Schimpf
Bertino-Tarrant	Harris	McCarter	Silverstein
Biss	Hastings	McConchie	Sims
Bush	Holmes	McGuire	Stadelman
Castro	Hunter	Morrison	Steans
Clayborne	Koehler	Mulroe	Van Pelt
Collins	Landek	Muñoz	Mr. President
Cullerton, T.	Lightford	Murphy	
Cunningham	Link	Raoul	
Curran	Manar	Rezin	

The following voted in the negative:

Barickman	Fowler	Righter	Weaver
Brady	Nathwani	Rooney	Wilcox
DeWitte	Oberweis	Rose	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Wednesday, November 27, 2018 and journalized Wednesday, November 28, 2018, Senator Curran moved that **House Bill No. 4514** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAYS None; Present 1.

The following voted in the affirmative:

Anderson	DeWitte	McCann	Schimpf
Aquino	Fowler	McCarter	Silverstein
Barickman	Haine	McConchie	Sims
Bertino-Tarrant	Harmon	McGuire	Stadelman
Biss	Harris	Morrison	Steans
Bivins	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Koehler	Nathwani	Weaver
Clayborne	Landek	Oberweis	Mr. President
Collins	Lightford	Raoul	
Cullerton, T.	Link	Rezin	
Cunningham	Manar	Rose	
Curran	Martinez	Sandoval	

The following voted present:

Bennett

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, reported that the Committee recommends that **Floor Amendment No. 1** to **House Bill No. 2505** be re-referred to the Committee on Assignments.

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, reported that the following Legislative Measures have been approved for consideration:

Floor Amendment No. 2 to House Bill 2505

The foregoing floor amendment was placed on the Secretary's Desk.

Motion to Concur in House Amendments 2 to Senate Bill 1415
Motion to Concur in House Amendments 3 to Senate Bill 1415

The foregoing concurrences were placed on the Secretary's Desk.

CONSIDERATION OF HOUSE BILL VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Wednesday, November 28, 2018 and journalized Wednesday, November 28, 2018, Senator Bertino-Tarrant moved that **House Bill No. 1262** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 35; NAYS 17.

The following voted in the affirmative:

Aquino	Cunningham	Lightford	Raoul
Bennett	Haine	Link	Sandoval
Bertino-Tarrant	Harmon	Manar	Silverstein
Biss	Harris	Martinez	Sims
Bush	Hastings	McGuire	Stadelman
Castro	Holmes	Morrison	Steans
Clayborne	Hunter	Mulroe	Van Pelt
Collins	Koehler	Muñoz	Mr. President
Cullerton, T.	Landek	Murphy	

The following voted in the negative:

Anderson	Fowler	Righter	Weaver
Barickman	McCann	Rooney	Wilcox
Brady	McCarter	Rose	
Curran	McConchie	Schimpf	
DeWitte	Oberweis	Tracy	

This roll call verified.

The motion, having failed to receive the vote of three-fifths of the members elected, was lost.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Haine, **Senate Bill No. 309**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Haine moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	McCann	Rose
Aquino	Fowler	McCarter	Sandoval
Barickman	Haine	McConchie	Schimpf
Bertino-Tarrant	Harmon	McGuire	Silverstein
Biss	Harris	Morrison	Sims
Bivins	Hastings	Mulroe	Stadelman
Brady	Holmes	Muñoz	Steans
Bush	Hunter	Murphy	Syverson
Castro	Koehler	Nathwani	Tracy
Clayborne	Landek	Oberweis	Van Pelt
Collins	Lightford	Raoul	Weaver
Cullerton, T.	Link	Rezin	Wilcox
Cunningham	Manar	Righter	Mr. President
Curran	Martinez	Rooney	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 309**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **Senate Bill No. 752**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Morrison moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	McCarter	Sandoval
Aquino	Fowler	McConchie	Schimpf
Barickman	Haine	McGuire	Silverstein
Bertino-Tarrant	Harmon	Morrison	Sims
Biss	Harris	Mulroe	Stadelman
Bivins	Hastings	Muñoz	Steans
Brady	Holmes	Murphy	Syverson
Bush	Hunter	Nathwani	Tracy
Castro	Koehler	Oberweis	Van Pelt
Clayborne	Landek	Raoul	Weaver
Collins	Lightford	Rezin	Wilcox
Cullerton, T.	Link	Righter	Mr. President
Cunningham	Manar	Rooney	
Curran	McCann	Rose	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 752**.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator J. Cullerton moved that **Senate Resolution No. 2150**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator T. Cullerton moved that Senate Resolution No. 2150 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Brady moved that **Senate Resolution No. 2217**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

At the hour of 2:31 o'clock p.m., Senator Munóz, presiding.

Senator Brady moved that Senate Resolution No. 2217 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator J. Cullerton moved that **Senate Resolution No. 2221**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

At the hour of 3:09 o'clock p.m., Senator Link, presiding.

Senator J. Cullerton moved that Senate Resolution No. 2221 be adopted.

The motion prevailed.

And the resolution was adopted.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:
SENATE BILL NO. 849
A bill for AN ACT concerning revenue.
Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 849
House Amendment No. 2 to SENATE BILL NO. 849
Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 849

AMENDMENT NO. 1. Amend Senate Bill 849 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 15-155 as follows:
(35 ILCS 200/15-155)
Sec. 15-155. Port districts. All property belonging to the ~~the~~ Chicago Regional Port District or any other port district created by the legislature of this State is exempt. However, a tax may be levied upon a lessee of such property based on the value of a leasehold estate separate and apart from the fee, or upon improvements constructed and owned by others than the Port District.
(Source: Laws 1961, p. 3370; P.A. 88-455.)".

AMENDMENT NO. 2 TO SENATE BILL 849

AMENDMENT NO. 2. Amend Senate Bill 849, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Power Agency Act is amended by changing Section 1-130 as follows:
(20 ILCS 3855/1-130)
(Section scheduled to be repealed on January 1, 2019)
Sec. 1-130. Home rule preemption.
(a) The authorization to impose any new taxes or fees specifically related to the generation of electricity by, the capacity to generate electricity by, or the emissions into the atmosphere by electric generating facilities after the effective date of this Act is an exclusive power and function of the State. A home rule unit may not levy any new taxes or fees specifically related to the generation of electricity by, the capacity to generate electricity by, or the emissions into the atmosphere by electric generating facilities after the effective date of this Act. This Section is a denial and limitation on home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.
(b) This Section is repealed on January 1, 2021 ~~2019~~.
(Source: P.A. 95-481, eff. 8-28-07.)

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

Under the rules, the foregoing **Senate Bill No. 849**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:
SENATE BILL NO. 1469
A bill for AN ACT concerning health.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1469

Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1469

AMENDMENT NO. 1. Amend Senate Bill 1469 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

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

Sec. 5-45. Emergency rulemaking.

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

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24-month period, except that this limitation on the number of emergency rules that may be adopted in a 24-month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health, (iv) emergency rules adopted pursuant to subsection (n) of this Section, (v) emergency rules adopted pursuant to subsection (o) of this Section, or (vi) emergency rules adopted pursuant to subsection (c-5) of this Section. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

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

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

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

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of Public Act 91-712 or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

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

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of Public Act 92-597 or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of Public Act 93-20 or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

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

(k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget, emergency rules to implement any provision of Public Act 94-48 or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of Healthcare and Family Services may also adopt rules under this subsection (k) necessary to administer the Illinois Public Aid Code, the Senior Citizens and Persons with Disabilities Property Tax Relief Act, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act (now the Illinois Prescription Drug Discount Program Act), and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

(l) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2007 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2007, including rules effective July 1, 2007, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (l) shall be deemed to be necessary for the public interest, safety, and welfare.

(m) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2008 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2008, including rules effective July 1, 2008, in accordance with this subsection to the

extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (m) shall be deemed to be necessary for the public interest, safety, and welfare.

(n) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2010 budget, emergency rules to implement any provision of Public Act 96-45 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2010 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (n) shall be deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (n) shall apply only to rules promulgated during Fiscal Year 2010.

(o) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2011 budget, emergency rules to implement any provision of Public Act 96-958 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2011 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (o) is deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (o) applies only to rules promulgated on or after July 1, 2010 (the effective date of Public Act 96-958) through June 30, 2011.

(p) In order to provide for the expeditious and timely implementation of the provisions of Public Act 97-689, emergency rules to implement any provision of Public Act 97-689 may be adopted in accordance with this subsection (p) by the agency charged with administering that provision or initiative. The 150-day limitation of the effective period of emergency rules does not apply to rules adopted under this subsection (p), and the effective period may continue through June 30, 2013. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (p). The adoption of emergency rules authorized by this subsection (p) is deemed to be necessary for the public interest, safety, and welfare.

(q) In order to provide for the expeditious and timely implementation of the provisions of Articles 7, 8, 9, 11, and 12 of Public Act 98-104, emergency rules to implement any provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104 may be adopted in accordance with this subsection (q) by the agency charged with administering that provision or initiative. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (q). The adoption of emergency rules authorized by this subsection (q) is deemed to be necessary for the public interest, safety, and welfare.

(r) In order to provide for the expeditious and timely implementation of the provisions of Public Act 98-651, emergency rules to implement Public Act 98-651 may be adopted in accordance with this subsection (r) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (r). The adoption of emergency rules authorized by this subsection (r) is deemed to be necessary for the public interest, safety, and welfare.

(s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.

(t) In order to provide for the expeditious and timely implementation of the provisions of Article II of Public Act 99-6, emergency rules to implement the changes made by Article II of Public Act 99-6 to the Emergency Telephone System Act may be adopted in accordance with this subsection (t) by the Department of State Police. The rulemaking authority granted in this subsection (t) shall apply only to those rules adopted prior to July 1, 2016. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (t). The adoption of emergency rules authorized by this subsection (t) is deemed to be necessary for the public interest, safety, and welfare.

(u) In order to provide for the expeditious and timely implementation of the provisions of the Burn Victims Relief Act, emergency rules to implement any provision of the Act may be adopted in accordance with this subsection (u) by the Department of Insurance. The rulemaking authority granted in this subsection (u) shall apply only to those rules adopted prior to December 31, 2015. The adoption of

emergency rules authorized by this subsection (u) is deemed to be necessary for the public interest, safety, and welfare.

(v) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-516, emergency rules to implement Public Act 99-516 may be adopted in accordance with this subsection (v) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (v). The adoption of emergency rules authorized by this subsection (v) is deemed to be necessary for the public interest, safety, and welfare.

(w) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-796, emergency rules to implement the changes made by Public Act 99-796 may be adopted in accordance with this subsection (w) by the Adjutant General. The adoption of emergency rules authorized by this subsection (w) is deemed to be necessary for the public interest, safety, and welfare.

(x) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-906, emergency rules to implement subsection (i) of Section 16-115D, subsection (g) of Section 16-128A, and subsection (a) of Section 16-128B of the Public Utilities Act may be adopted in accordance with this subsection (x) by the Illinois Commerce Commission. The rulemaking authority granted in this subsection (x) shall apply only to those rules adopted within 180 days after June 1, 2017 (the effective date of Public Act 99-906). The adoption of emergency rules authorized by this subsection (x) is deemed to be necessary for the public interest, safety, and welfare.

(y) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-23 ~~this amendatory Act of the 100th General Assembly~~, emergency rules to implement the changes made by Public Act 100-23 ~~this amendatory Act of the 100th General Assembly~~ to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, and Sections 74 and 75 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (y) by the respective Department. The adoption of emergency rules authorized by this subsection (y) is deemed to be necessary for the public interest, safety, and welfare.

(z) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-554 ~~this amendatory Act of the 100th General Assembly~~, emergency rules to implement the changes made by Public Act 100-554 ~~this amendatory Act of the 100th General Assembly~~ to Section 4.7 of the Lobbyist Registration Act may be adopted in accordance with this subsection (z) by the Secretary of State. The adoption of emergency rules authorized by this subsection (z) is deemed to be necessary for the public interest, safety, and welfare.

(aa) In order to provide for the expeditious and timely initial implementation of the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code under the provisions of Public Act 100-581 ~~this amendatory Act of the 100th General Assembly~~, the Department of Healthcare and Family Services may adopt emergency rules in accordance with this subsection (aa). The 24-month limitation on the adoption of emergency rules does not apply to rules to initially implement the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code adopted under this subsection (aa). The adoption of emergency rules authorized by this subsection (aa) is deemed to be necessary for the public interest, safety, and welfare.

(bb) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587 ~~this amendatory Act of the 100th General Assembly~~, emergency rules to implement the changes made by Public Act 100-587 ~~this amendatory Act of the 100th General Assembly~~ to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, subsection (b) of Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, Section 5-104 of the Specialized Mental Health Rehabilitation Act of 2013, and Section 75 and subsection (b) of Section 74 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (bb) by the respective Department. The adoption of emergency rules authorized by this subsection (bb) is deemed to be necessary for the public interest, safety, and welfare.

(cc) ~~(bb)~~ In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587 ~~this amendatory Act of the 100th General Assembly~~, emergency rules may be adopted in accordance with this subsection (cc) ~~(bb)~~ to implement the changes made by Public Act 100-587 ~~this amendatory Act of the 100th General Assembly~~ to: Sections 14-147.5 and 14-147.6 of the Illinois Pension Code by the Board created under Article 14 of the Code; Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by the Board created under Article 15 of the Code; and Sections 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board created under Article 16 of the Code. The adoption of emergency rules authorized by this subsection (cc) ~~(bb)~~ is deemed to be necessary for the public interest, safety, and welfare.

(dd) ~~(aa)~~ In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-864 ~~this amendatory Act of the 100th General Assembly~~, emergency rules to implement the changes made by Public Act 100-864 ~~this amendatory Act of the 100th General Assembly~~ to Section 3.35 of the Newborn Metabolic Screening Act may be adopted in accordance with this subsection (dd) ~~(aa)~~ by the Secretary of State. The adoption of emergency rules authorized by this subsection (dd) ~~(aa)~~ is deemed to be necessary for the public interest, safety, and welfare.

(ee) In order to provide for the expeditious and timely initial implementation of the changes made to Articles 5A and 14 of the Illinois Public Aid Code under the provisions of this amendatory Act of the 100th General Assembly, the Department of Healthcare and Family Services may on a one-time-only basis adopt emergency rules in accordance with this subsection (ee). The 24-month limitation on the adoption of emergency rules does not apply to rules to initially implement the changes made to Articles 5A and 14 of the Illinois Public Aid Code adopted under this subsection (ee). The adoption of emergency rules authorized by this subsection (ee) is deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17; 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff. 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18; 100-864, eff. 8-14-18; revised 10-18-18.)

Section 15. The Use Tax Act is amended by changing Section 3-8 as follows:

(35 ILCS 105/3-8)

Sec. 3-8. Hospital exemption.

(a) Until July 1, 2022, tangible ~~Tangible~~ personal property sold to or used by a hospital owner that owns one or more hospitals licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, or a hospital affiliate that is not already exempt under another provision of this Act and meets the criteria for an exemption under this Section, is exempt from taxation under this Act.

(b) A hospital owner or hospital affiliate satisfies the conditions for an exemption under this Section if the value of qualified services or activities listed in subsection (c) of this Section for the hospital year equals or exceeds the relevant hospital entity's estimated property tax liability, without regard to any property tax exemption granted under Section 15-86 of the Property Tax Code, for the calendar year in which exemption or renewal of exemption is sought. For purposes of making the calculations required by this subsection (b), if the relevant hospital entity is a hospital owner that owns more than one hospital, the value of the services or activities listed in subsection (c) shall be calculated on the basis of only those services and activities relating to the hospital that includes the subject property, and the relevant hospital entity's estimated property tax liability shall be calculated only with respect to the properties comprising that hospital. In the case of a multi-state hospital system or hospital affiliate, the value of the services or activities listed in subsection (c) shall be calculated on the basis of only those services and activities that occur in Illinois and the relevant hospital entity's estimated property tax liability shall be calculated only with respect to its property located in Illinois.

(c) The following services and activities shall be considered for purposes of making the calculations required by subsection (b):

(1) Charity care. Free or discounted services provided pursuant to the relevant hospital entity's financial assistance policy, measured at cost, including discounts provided under the Hospital Uninsured Patient Discount Act.

(2) Health services to low-income and underserved individuals. Other unreimbursed costs of the relevant hospital entity for providing without charge, paying for, or subsidizing goods, activities, or services for the purpose of addressing the health of low-income or underserved individuals. Those activities or services may include, but are not limited to: financial or in-kind support to affiliated or unaffiliated hospitals, hospital affiliates, community clinics, or programs that treat low-income or underserved individuals; paying for or subsidizing health care professionals who care for low-income or underserved individuals; providing or subsidizing outreach or educational services to low-income or underserved individuals for disease management and prevention; free or subsidized goods, supplies, or services needed by low-income or underserved individuals because of their medical condition; and prenatal or childbirth outreach to low-income or underserved persons.

(3) Subsidy of State or local governments. Direct or indirect financial or in-kind subsidies of State or local governments by the relevant hospital entity that pay for or subsidize activities or programs related to health care for low-income or underserved individuals.

(4) Support for State health care programs for low-income individuals. At the election of the hospital applicant for each applicable year, either (A) 10% of payments to the relevant hospital entity and any hospital affiliate designated by the relevant hospital entity (provided that such hospital

affiliate's operations provide financial or operational support for or receive financial or operational support from the relevant hospital entity) under Medicaid or other means-tested programs, including, but not limited to, General Assistance, the Covering ALL KIDS Health Insurance Act, and the State Children's Health Insurance Program or (B) the amount of subsidy provided by the relevant hospital entity and any hospital affiliate designated by the relevant hospital entity (provided that such hospital affiliate's operations provide financial or operational support for or receive financial or operational support from the relevant hospital entity) to State or local government in treating Medicaid recipients and recipients of means-tested programs, including but not limited to General Assistance, the Covering ALL KIDS Health Insurance Act, and the State Children's Health Insurance Program. The amount of subsidy for purpose of this item (4) is calculated in the same manner as unreimbursed costs are calculated for Medicaid and other means-tested government programs in the Schedule H of IRS Form 990 in effect on the effective date of this amendatory Act of the 97th General Assembly.

(5) Dual-eligible subsidy. The amount of subsidy provided to government by treating dual-eligible Medicare/Medicaid patients. The amount of subsidy for purposes of this item (5) is calculated by multiplying the relevant hospital entity's unreimbursed costs for Medicare, calculated in the same manner as determined in the Schedule H of IRS Form 990 in effect on the effective date of this amendatory Act of the 97th General Assembly, by the relevant hospital entity's ratio of dual-eligible patients to total Medicare patients.

(6) Relief of the burden of government related to health care. Except to the extent otherwise taken into account in this subsection, the portion of unreimbursed costs of the relevant hospital entity attributable to providing, paying for, or subsidizing goods, activities, or services that relieve the burden of government related to health care for low-income individuals. Such activities or services shall include, but are not limited to, providing emergency, trauma, burn, neonatal, psychiatric, rehabilitation, or other special services; providing medical education; and conducting medical research or training of health care professionals. The portion of those unreimbursed costs attributable to benefiting low-income individuals shall be determined using the ratio calculated by adding the relevant hospital entity's costs attributable to charity care, Medicaid, other means-tested government programs, Medicare patients with disabilities under age 65, and dual-eligible Medicare/Medicaid patients and dividing that total by the relevant hospital entity's total costs. Such costs for the numerator and denominator shall be determined by multiplying gross charges by the cost to charge ratio taken from the hospital's most recently filed Medicare cost report (CMS 2252-10 Worksheet, Part I). In the case of emergency services, the ratio shall be calculated using costs (gross charges multiplied by the cost to charge ratio taken from the hospital's most recently filed Medicare cost report (CMS 2252-10 Worksheet, Part I)) of patients treated in the relevant hospital entity's emergency department.

(7) Any other activity by the relevant hospital entity that the Department determines relieves the burden of government or addresses the health of low-income or underserved individuals.

(d) The hospital applicant shall include information in its exemption application establishing that it satisfies the requirements of subsection (b). For purposes of making the calculations required by subsection (b), the hospital applicant may for each year elect to use either (1) the value of the services or activities listed in subsection (e) for the hospital year or (2) the average value of those services or activities for the 3 fiscal years ending with the hospital year. If the relevant hospital entity has been in operation for less than 3 completed fiscal years, then the latter calculation, if elected, shall be performed on a pro rata basis.

(e) For purposes of making the calculations required by this Section:

(1) particular services or activities eligible for consideration under any of the paragraphs (1) through (7) of subsection (c) may not be counted under more than one of those paragraphs; and

(2) the amount of unreimbursed costs and the amount of subsidy shall not be reduced by restricted or unrestricted payments received by the relevant hospital entity as contributions deductible under Section 170(a) of the Internal Revenue Code.

(f) (Blank).

(g) Estimation of Exempt Property Tax Liability. The estimated property tax liability used for the determination in subsection (b) shall be calculated as follows:

(1) "Estimated property tax liability" means the estimated dollar amount of property tax that would be owed, with respect to the exempt portion of each of the relevant hospital entity's properties that are already fully or partially exempt, or for which an exemption in whole or in part is currently being sought, and then aggregated as applicable, as if the exempt portion of those properties were subject to tax, calculated with respect to each such property by multiplying:

(A) the lesser of (i) the actual assessed value, if any, of the portion of the

property for which an exemption is sought or (ii) an estimated assessed value of the exempt portion of such property as determined in item (2) of this subsection (g), by

(B) the applicable State equalization rate (yielding the equalized assessed value), by

(C) the applicable tax rate.

(2) The estimated assessed value of the exempt portion of the property equals the sum of (i) the estimated fair market value of buildings on the property, as determined in accordance with subparagraphs (A) and (B) of this item (2), multiplied by the applicable assessment factor, and (ii) the estimated assessed value of the land portion of the property, as determined in accordance with subparagraph (C).

(A) The "estimated fair market value of buildings on the property" means the replacement value of any exempt portion of buildings on the property, minus depreciation, determined utilizing the cost replacement method whereby the exempt square footage of all such buildings is multiplied by the replacement cost per square foot for Class A Average building found in the most recent edition of the Marshall & Swift Valuation Services Manual, adjusted by any appropriate current cost and local multipliers.

(B) Depreciation, for purposes of calculating the estimated fair market value of buildings on the property, is applied by utilizing a weighted mean life for the buildings based on original construction and assuming a 40-year life for hospital buildings and the applicable life for other types of buildings as specified in the American Hospital Association publication "Estimated Useful Lives of Depreciable Hospital Assets". In the case of hospital buildings, the remaining life is divided by 40 and this ratio is multiplied by the replacement cost of the buildings to obtain an estimated fair market value of buildings. If a hospital building is older than 35 years, a remaining life of 5 years for residual value is assumed; and if a building is less than 8 years old, a remaining life of 32 years is assumed.

(C) The estimated assessed value of the land portion of the property shall be determined by multiplying (i) the per square foot average of the assessed values of three parcels of land (not including farm land, and excluding the assessed value of the improvements thereon) reasonably comparable to the property, by (ii) the number of square feet comprising the exempt portion of the property's land square footage.

(3) The assessment factor, State equalization rate, and tax rate (including any special factors such as Enterprise Zones) used in calculating the estimated property tax liability shall be for the most recent year that is publicly available from the applicable chief county assessment officer or officers at least 90 days before the end of the hospital year.

(4) The method utilized to calculate estimated property tax liability for purposes of this Section 15-86 shall not be utilized for the actual valuation, assessment, or taxation of property pursuant to the Property Tax Code.

(h) For the purpose of this Section, the following terms shall have the meanings set forth below:

(1) "Hospital" means any institution, place, building, buildings on a campus, or other health care facility located in Illinois that is licensed under the Hospital Licensing Act and has a hospital owner.

(2) "Hospital owner" means a not-for-profit corporation that is the titleholder of a hospital, or the owner of the beneficial interest in an Illinois land trust that is the titleholder of a hospital.

(3) "Hospital affiliate" means any corporation, partnership, limited partnership, joint venture, limited liability company, association or other organization, other than a hospital owner, that directly or indirectly controls, is controlled by, or is under common control with one or more hospital owners and that supports, is supported by, or acts in furtherance of the exempt health care purposes of at least one of those hospital owners' hospitals.

(4) "Hospital system" means a hospital and one or more other hospitals or hospital affiliates related by common control or ownership.

(5) "Control" relating to hospital owners, hospital affiliates, or hospital systems means possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the entity, whether through ownership of assets, membership interest, other voting or governance rights, by contract or otherwise.

(6) "Hospital applicant" means a hospital owner or hospital affiliate that files an application for an exemption or renewal of exemption under this Section.

(7) "Relevant hospital entity" means (A) the hospital owner, in the case of a hospital

applicant that is a hospital owner, and (B) at the election of a hospital applicant that is a hospital affiliate, either (i) the hospital affiliate or (ii) the hospital system to which the hospital applicant belongs, including any hospitals or hospital affiliates that are related by common control or ownership.

(8) "Subject property" means property used for the calculation under subsection (b) of this Section.

(9) "Hospital year" means the fiscal year of the relevant hospital entity, or the fiscal year of one of the hospital owners in the hospital system if the relevant hospital entity is a hospital system with members with different fiscal years, that ends in the year for which the exemption is sought.

(i) It is the intent of the General Assembly that any exemptions taken, granted, or renewed under this Section prior to the effective date of this amendatory Act of the 100th General Assembly are hereby validated.

(Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

Section 20. The Service Use Tax Act is amended by changing Section 3-8 as follows:

(35 ILCS 110/3-8)

Sec. 3-8. Hospital exemption.

(a) Until July 1, 2022, tangible ~~Tangible~~ personal property sold to or used by a hospital owner that owns one or more hospitals licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, or a hospital affiliate that is not already exempt under another provision of this Act and meets the criteria for an exemption under this Section, is exempt from taxation under this Act.

(b) A hospital owner or hospital affiliate satisfies the conditions for an exemption under this Section if the value of qualified services or activities listed in subsection (c) of this Section for the hospital year equals or exceeds the relevant hospital entity's estimated property tax liability, without regard to any property tax exemption granted under Section 15-86 of the Property Tax Code, for the calendar year in which exemption or renewal of exemption is sought. For purposes of making the calculations required by this subsection (b), if the relevant hospital entity is a hospital owner that owns more than one hospital, the value of the services or activities listed in subsection (c) shall be calculated on the basis of only those services and activities relating to the hospital that includes the subject property, and the relevant hospital entity's estimated property tax liability shall be calculated only with respect to the properties comprising that hospital. In the case of a multi-state hospital system or hospital affiliate, the value of the services or activities listed in subsection (c) shall be calculated on the basis of only those services and activities that occur in Illinois and the relevant hospital entity's estimated property tax liability shall be calculated only with respect to its property located in Illinois.

(c) The following services and activities shall be considered for purposes of making the calculations required by subsection (b):

(1) Charity care. Free or discounted services provided pursuant to the relevant hospital entity's financial assistance policy, measured at cost, including discounts provided under the Hospital Uninsured Patient Discount Act.

(2) Health services to low-income and underserved individuals. Other unreimbursed costs of the relevant hospital entity for providing without charge, paying for, or subsidizing goods, activities, or services for the purpose of addressing the health of low-income or underserved individuals. Those activities or services may include, but are not limited to: financial or in-kind support to affiliated or unaffiliated hospitals, hospital affiliates, community clinics, or programs that treat low-income or underserved individuals; paying for or subsidizing health care professionals who care for low-income or underserved individuals; providing or subsidizing outreach or educational services to low-income or underserved individuals for disease management and prevention; free or subsidized goods, supplies, or services needed by low-income or underserved individuals because of their medical condition; and prenatal or childbirth outreach to low-income or underserved persons.

(3) Subsidy of State or local governments. Direct or indirect financial or in-kind subsidies of State or local governments by the relevant hospital entity that pay for or subsidize activities or programs related to health care for low-income or underserved individuals.

(4) Support for State health care programs for low-income individuals. At the election of the hospital applicant for each applicable year, either (A) 10% of payments to the relevant hospital entity and any hospital affiliate designated by the relevant hospital entity (provided that such hospital affiliate's operations provide financial or operational support for or receive financial or operational support from the relevant hospital entity) under Medicaid or other means-tested programs, including, but not limited to, General Assistance, the Covering ALL KIDS Health Insurance Act, and the State Children's Health Insurance Program or (B) the amount of subsidy provided by the relevant hospital entity and any hospital affiliate designated by the relevant hospital entity (provided that such hospital

affiliate's operations provide financial or operational support for or receive financial or operational support from the relevant hospital entity) to State or local government in treating Medicaid recipients and recipients of means-tested programs, including but not limited to General Assistance, the Covering ALL KIDS Health Insurance Act, and the State Children's Health Insurance Program. The amount of subsidy for purposes of this item (4) is calculated in the same manner as unreimbursed costs are calculated for Medicaid and other means-tested government programs in the Schedule H of IRS Form 990 in effect on the effective date of this amendatory Act of the 97th General Assembly.

(5) Dual-eligible subsidy. The amount of subsidy provided to government by treating dual-eligible Medicare/Medicaid patients. The amount of subsidy for purposes of this item (5) is calculated by multiplying the relevant hospital entity's unreimbursed costs for Medicare, calculated in the same manner as determined in the Schedule H of IRS Form 990 in effect on the effective date of this amendatory Act of the 97th General Assembly, by the relevant hospital entity's ratio of dual-eligible patients to total Medicare patients.

(6) Relief of the burden of government related to health care. Except to the extent otherwise taken into account in this subsection, the portion of unreimbursed costs of the relevant hospital entity attributable to providing, paying for, or subsidizing goods, activities, or services that relieve the burden of government related to health care for low-income individuals. Such activities or services shall include, but are not limited to, providing emergency, trauma, burn, neonatal, psychiatric, rehabilitation, or other special services; providing medical education; and conducting medical research or training of health care professionals. The portion of those unreimbursed costs attributable to benefiting low-income individuals shall be determined using the ratio calculated by adding the relevant hospital entity's costs attributable to charity care, Medicaid, other means-tested government programs, Medicare patients with disabilities under age 65, and dual-eligible Medicare/Medicaid patients and dividing that total by the relevant hospital entity's total costs. Such costs for the numerator and denominator shall be determined by multiplying gross charges by the cost to charge ratio taken from the hospital's most recently filed Medicare cost report (CMS 2252-10 Worksheet, Part I). In the case of emergency services, the ratio shall be calculated using costs (gross charges multiplied by the cost to charge ratio taken from the hospital's most recently filed Medicare cost report (CMS 2252-10 Worksheet, Part I)) of patients treated in the relevant hospital entity's emergency department.

(7) Any other activity by the relevant hospital entity that the Department determines relieves the burden of government or addresses the health of low-income or underserved individuals.

(d) The hospital applicant shall include information in its exemption application establishing that it satisfies the requirements of subsection (b). For purposes of making the calculations required by subsection (b), the hospital applicant may for each year elect to use either (1) the value of the services or activities listed in subsection (e) for the hospital year or (2) the average value of those services or activities for the 3 fiscal years ending with the hospital year. If the relevant hospital entity has been in operation for less than 3 completed fiscal years, then the latter calculation, if elected, shall be performed on a pro rata basis.

(e) For purposes of making the calculations required by this Section:

(1) particular services or activities eligible for consideration under any of the paragraphs (1) through (7) of subsection (c) may not be counted under more than one of those paragraphs; and

(2) the amount of unreimbursed costs and the amount of subsidy shall not be reduced by restricted or unrestricted payments received by the relevant hospital entity as contributions deductible under Section 170(a) of the Internal Revenue Code.

(f) (Blank).

(g) Estimation of Exempt Property Tax Liability. The estimated property tax liability used for the determination in subsection (b) shall be calculated as follows:

(1) "Estimated property tax liability" means the estimated dollar amount of property tax that would be owed, with respect to the exempt portion of each of the relevant hospital entity's properties that are already fully or partially exempt, or for which an exemption in whole or in part is currently being sought, and then aggregated as applicable, as if the exempt portion of those properties were subject to tax, calculated with respect to each such property by multiplying:

(A) the lesser of (i) the actual assessed value, if any, of the portion of the property for which an exemption is sought or (ii) an estimated assessed value of the exempt portion of such property as determined in item (2) of this subsection (g), by

(B) the applicable State equalization rate (yielding the equalized assessed value), by

(C) the applicable tax rate.

(2) The estimated assessed value of the exempt portion of the property equals the sum of

(i) the estimated fair market value of buildings on the property, as determined in accordance with subparagraphs (A) and (B) of this item (2), multiplied by the applicable assessment factor, and (ii) the estimated assessed value of the land portion of the property, as determined in accordance with subparagraph (C).

(A) The "estimated fair market value of buildings on the property" means the replacement value of any exempt portion of buildings on the property, minus depreciation, determined utilizing the cost replacement method whereby the exempt square footage of all such buildings is multiplied by the replacement cost per square foot for Class A Average building found in the most recent edition of the Marshall & Swift Valuation Services Manual, adjusted by any appropriate current cost and local multipliers.

(B) Depreciation, for purposes of calculating the estimated fair market value of buildings on the property, is applied by utilizing a weighted mean life for the buildings based on original construction and assuming a 40-year life for hospital buildings and the applicable life for other types of buildings as specified in the American Hospital Association publication "Estimated Useful Lives of Depreciable Hospital Assets". In the case of hospital buildings, the remaining life is divided by 40 and this ratio is multiplied by the replacement cost of the buildings to obtain an estimated fair market value of buildings. If a hospital building is older than 35 years, a remaining life of 5 years for residual value is assumed; and if a building is less than 8 years old, a remaining life of 32 years is assumed.

(C) The estimated assessed value of the land portion of the property shall be determined by multiplying (i) the per square foot average of the assessed values of three parcels of land (not including farm land, and excluding the assessed value of the improvements thereon) reasonably comparable to the property, by (ii) the number of square feet comprising the exempt portion of the property's land square footage.

(3) The assessment factor, State equalization rate, and tax rate (including any special factors such as Enterprise Zones) used in calculating the estimated property tax liability shall be for the most recent year that is publicly available from the applicable chief county assessment officer or officers at least 90 days before the end of the hospital year.

(4) The method utilized to calculate estimated property tax liability for purposes of this Section 15-86 shall not be utilized for the actual valuation, assessment, or taxation of property pursuant to the Property Tax Code.

(h) For the purpose of this Section, the following terms shall have the meanings set forth below:

(1) "Hospital" means any institution, place, building, buildings on a campus, or other health care facility located in Illinois that is licensed under the Hospital Licensing Act and has a hospital owner.

(2) "Hospital owner" means a not-for-profit corporation that is the titleholder of a hospital, or the owner of the beneficial interest in an Illinois land trust that is the titleholder of a hospital.

(3) "Hospital affiliate" means any corporation, partnership, limited partnership, joint venture, limited liability company, association or other organization, other than a hospital owner, that directly or indirectly controls, is controlled by, or is under common control with one or more hospital owners and that supports, is supported by, or acts in furtherance of the exempt health care purposes of at least one of those hospital owners' hospitals.

(4) "Hospital system" means a hospital and one or more other hospitals or hospital affiliates related by common control or ownership.

(5) "Control" relating to hospital owners, hospital affiliates, or hospital systems means possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the entity, whether through ownership of assets, membership interest, other voting or governance rights, by contract or otherwise.

(6) "Hospital applicant" means a hospital owner or hospital affiliate that files an application for an exemption or renewal of exemption under this Section.

(7) "Relevant hospital entity" means (A) the hospital owner, in the case of a hospital applicant that is a hospital owner, and (B) at the election of a hospital applicant that is a hospital affiliate, either (i) the hospital affiliate or (ii) the hospital system to which the hospital applicant belongs, including any hospitals or hospital affiliates that are related by common control or ownership.

(8) "Subject property" means property used for the calculation under subsection (b) of this Section.

(9) "Hospital year" means the fiscal year of the relevant hospital entity, or the fiscal year of one of the hospital owners in the hospital system if the relevant hospital entity is a hospital system with members with different fiscal years, that ends in the year for which the exemption is sought.

(i) It is the intent of the General Assembly that any exemptions taken, granted, or renewed under this Section prior to the effective date of this amendatory Act of the 100th General Assembly are hereby validated.

(Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

Section 25. The Service Occupation Tax Act is amended by changing Section 3-8 as follows:

(35 ILCS 115/3-8)

Sec. 3-8. Hospital exemption.

(a) Until July 1, 2022, tangible ~~Tangible~~ personal property sold to or used by a hospital owner that owns one or more hospitals licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, or a hospital affiliate that is not already exempt under another provision of this Act and meets the criteria for an exemption under this Section, is exempt from taxation under this Act.

(b) A hospital owner or hospital affiliate satisfies the conditions for an exemption under this Section if the value of qualified services or activities listed in subsection (c) of this Section for the hospital year equals or exceeds the relevant hospital entity's estimated property tax liability, without regard to any property tax exemption granted under Section 15-86 of the Property Tax Code, for the calendar year in which exemption or renewal of exemption is sought. For purposes of making the calculations required by this subsection (b), if the relevant hospital entity is a hospital owner that owns more than one hospital, the value of the services or activities listed in subsection (c) shall be calculated on the basis of only those services and activities relating to the hospital that includes the subject property, and the relevant hospital entity's estimated property tax liability shall be calculated only with respect to the properties comprising that hospital. In the case of a multi-state hospital system or hospital affiliate, the value of the services or activities listed in subsection (c) shall be calculated on the basis of only those services and activities that occur in Illinois and the relevant hospital entity's estimated property tax liability shall be calculated only with respect to its property located in Illinois.

(c) The following services and activities shall be considered for purposes of making the calculations required by subsection (b):

(1) Charity care. Free or discounted services provided pursuant to the relevant hospital entity's financial assistance policy, measured at cost, including discounts provided under the Hospital Uninsured Patient Discount Act.

(2) Health services to low-income and underserved individuals. Other unreimbursed costs of the relevant hospital entity for providing without charge, paying for, or subsidizing goods, activities, or services for the purpose of addressing the health of low-income or underserved individuals. Those activities or services may include, but are not limited to: financial or in-kind support to affiliated or unaffiliated hospitals, hospital affiliates, community clinics, or programs that treat low-income or underserved individuals; paying for or subsidizing health care professionals who care for low-income or underserved individuals; providing or subsidizing outreach or educational services to low-income or underserved individuals for disease management and prevention; free or subsidized goods, supplies, or services needed by low-income or underserved individuals because of their medical condition; and prenatal or childbirth outreach to low-income or underserved persons.

(3) Subsidy of State or local governments. Direct or indirect financial or in-kind subsidies of State or local governments by the relevant hospital entity that pay for or subsidize activities or programs related to health care for low-income or underserved individuals.

(4) Support for State health care programs for low-income individuals. At the election of the hospital applicant for each applicable year, either (A) 10% of payments to the relevant hospital entity and any hospital affiliate designated by the relevant hospital entity (provided that such hospital affiliate's operations provide financial or operational support for or receive financial or operational support from the relevant hospital entity) under Medicaid or other means-tested programs, including, but not limited to, General Assistance, the Covering ALL KIDS Health Insurance Act, and the State Children's Health Insurance Program or (B) the amount of subsidy provided by the relevant hospital entity and any hospital affiliate designated by the relevant hospital entity (provided that such hospital affiliate's operations provide financial or operational support for or receive financial or operational support from the relevant hospital entity) to State or local government in treating Medicaid recipients and recipients of means-tested programs, including but not limited to General Assistance, the Covering ALL KIDS Health Insurance Act, and the State Children's Health Insurance Program. The amount of subsidy for purposes of this item (4) is calculated in the same manner as unreimbursed costs are calculated for Medicaid and other means-tested government programs in the Schedule H of IRS Form 990 in effect on the effective date of this amendatory Act of the 97th General Assembly.

(5) Dual-eligible subsidy. The amount of subsidy provided to government by treating

dual-eligible Medicare/Medicaid patients. The amount of subsidy for purposes of this item (5) is calculated by multiplying the relevant hospital entity's unreimbursed costs for Medicare, calculated in the same manner as determined in the Schedule H of IRS Form 990 in effect on the effective date of this amendatory Act of the 97th General Assembly, by the relevant hospital entity's ratio of dual-eligible patients to total Medicare patients.

(6) Relief of the burden of government related to health care. Except to the extent otherwise taken into account in this subsection, the portion of unreimbursed costs of the relevant hospital entity attributable to providing, paying for, or subsidizing goods, activities, or services that relieve the burden of government related to health care for low-income individuals. Such activities or services shall include, but are not limited to, providing emergency, trauma, burn, neonatal, psychiatric, rehabilitation, or other special services; providing medical education; and conducting medical research or training of health care professionals. The portion of those unreimbursed costs attributable to benefiting low-income individuals shall be determined using the ratio calculated by adding the relevant hospital entity's costs attributable to charity care, Medicaid, other means-tested government programs, Medicare patients with disabilities under age 65, and dual-eligible Medicare/Medicaid patients and dividing that total by the relevant hospital entity's total costs. Such costs for the numerator and denominator shall be determined by multiplying gross charges by the cost to charge ratio taken from the hospital's most recently filed Medicare cost report (CMS 2252-10 Worksheet, Part I). In the case of emergency services, the ratio shall be calculated using costs (gross charges multiplied by the cost to charge ratio taken from the hospital's most recently filed Medicare cost report (CMS 2252-10 Worksheet, Part I)) of patients treated in the relevant hospital entity's emergency department.

(7) Any other activity by the relevant hospital entity that the Department determines relieves the burden of government or addresses the health of low-income or underserved individuals.

(d) The hospital applicant shall include information in its exemption application establishing that it satisfies the requirements of subsection (b). For purposes of making the calculations required by subsection (b), the hospital applicant may for each year elect to use either (1) the value of the services or activities listed in subsection (e) for the hospital year or (2) the average value of those services or activities for the 3 fiscal years ending with the hospital year. If the relevant hospital entity has been in operation for less than 3 completed fiscal years, then the latter calculation, if elected, shall be performed on a pro rata basis.

(e) For purposes of making the calculations required by this Section:

(1) particular services or activities eligible for consideration under any of the paragraphs (1) through (7) of subsection (c) may not be counted under more than one of those paragraphs; and

(2) the amount of unreimbursed costs and the amount of subsidy shall not be reduced by restricted or unrestricted payments received by the relevant hospital entity as contributions deductible under Section 170(a) of the Internal Revenue Code.

(f) (Blank).

(g) Estimation of Exempt Property Tax Liability. The estimated property tax liability used for the determination in subsection (b) shall be calculated as follows:

(1) "Estimated property tax liability" means the estimated dollar amount of property tax that would be owed, with respect to the exempt portion of each of the relevant hospital entity's properties that are already fully or partially exempt, or for which an exemption in whole or in part is currently being sought, and then aggregated as applicable, as if the exempt portion of those properties were subject to tax, calculated with respect to each such property by multiplying:

(A) the lesser of (i) the actual assessed value, if any, of the portion of the property for which an exemption is sought or (ii) an estimated assessed value of the exempt portion of such property as determined in item (2) of this subsection (g), by

(B) the applicable State equalization rate (yielding the equalized assessed value), by

(C) the applicable tax rate.

(2) The estimated assessed value of the exempt portion of the property equals the sum of (i) the estimated fair market value of buildings on the property, as determined in accordance with subparagraphs (A) and (B) of this item (2), multiplied by the applicable assessment factor, and (ii) the estimated assessed value of the land portion of the property, as determined in accordance with subparagraph (C).

(A) The "estimated fair market value of buildings on the property" means the replacement value of any exempt portion of buildings on the property, minus depreciation, determined utilizing the cost replacement method whereby the exempt square footage of all such buildings is multiplied by the replacement cost per square foot for Class A Average building found

in the most recent edition of the Marshall & Swift Valuation Services Manual, adjusted by any appropriate current cost and local multipliers.

(B) Depreciation, for purposes of calculating the estimated fair market value of buildings on the property, is applied by utilizing a weighted mean life for the buildings based on original construction and assuming a 40-year life for hospital buildings and the applicable life for other types of buildings as specified in the American Hospital Association publication "Estimated Useful Lives of Depreciable Hospital Assets". In the case of hospital buildings, the remaining life is divided by 40 and this ratio is multiplied by the replacement cost of the buildings to obtain an estimated fair market value of buildings. If a hospital building is older than 35 years, a remaining life of 5 years for residual value is assumed; and if a building is less than 8 years old, a remaining life of 32 years is assumed.

(C) The estimated assessed value of the land portion of the property shall be determined by multiplying (i) the per square foot average of the assessed values of three parcels of land (not including farm land, and excluding the assessed value of the improvements thereon) reasonably comparable to the property, by (ii) the number of square feet comprising the exempt portion of the property's land square footage.

(3) The assessment factor, State equalization rate, and tax rate (including any special factors such as Enterprise Zones) used in calculating the estimated property tax liability shall be for the most recent year that is publicly available from the applicable chief county assessment officer or officers at least 90 days before the end of the hospital year.

(4) The method utilized to calculate estimated property tax liability for purposes of this Section 15-86 shall not be utilized for the actual valuation, assessment, or taxation of property pursuant to the Property Tax Code.

(h) For the purpose of this Section, the following terms shall have the meanings set forth below:

(1) "Hospital" means any institution, place, building, buildings on a campus, or other health care facility located in Illinois that is licensed under the Hospital Licensing Act and has a hospital owner.

(2) "Hospital owner" means a not-for-profit corporation that is the titleholder of a hospital, or the owner of the beneficial interest in an Illinois land trust that is the titleholder of a hospital.

(3) "Hospital affiliate" means any corporation, partnership, limited partnership, joint venture, limited liability company, association or other organization, other than a hospital owner, that directly or indirectly controls, is controlled by, or is under common control with one or more hospital owners and that supports, is supported by, or acts in furtherance of the exempt health care purposes of at least one of those hospital owners' hospitals.

(4) "Hospital system" means a hospital and one or more other hospitals or hospital affiliates related by common control or ownership.

(5) "Control" relating to hospital owners, hospital affiliates, or hospital systems means possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the entity, whether through ownership of assets, membership interest, other voting or governance rights, by contract or otherwise.

(6) "Hospital applicant" means a hospital owner or hospital affiliate that files an application for an exemption or renewal of exemption under this Section.

(7) "Relevant hospital entity" means (A) the hospital owner, in the case of a hospital applicant that is a hospital owner, and (B) at the election of a hospital applicant that is a hospital affiliate, either (i) the hospital affiliate or (ii) the hospital system to which the hospital applicant belongs, including any hospitals or hospital affiliates that are related by common control or ownership.

(8) "Subject property" means property used for the calculation under subsection (b) of this Section.

(9) "Hospital year" means the fiscal year of the relevant hospital entity, or the fiscal year of one of the hospital owners in the hospital system if the relevant hospital entity is a hospital system with members with different fiscal years, that ends in the year for which the exemption is sought.

(i) It is the intent of the General Assembly that any exemptions taken, granted, or renewed under this Section prior to the effective date of this amendatory Act of the 100th General Assembly are hereby validated.

(Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

Section 30. The Retailers' Occupation Tax Act is amended by changing Section 2-9 as follows:

(35 ILCS 120/2-9)

Sec. 2-9. Hospital exemption.

(a) Until July 1, 2022, tangible ~~Tangible~~ personal property sold to or used by a hospital owner that owns one or more hospitals licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, or a hospital affiliate that is not already exempt under another provision of this Act and meets the criteria for an exemption under this Section, is exempt from taxation under this Act.

(b) A hospital owner or hospital affiliate satisfies the conditions for an exemption under this Section if the value of qualified services or activities listed in subsection (c) of this Section for the hospital year equals or exceeds the relevant hospital entity's estimated property tax liability, without regard to any property tax exemption granted under Section 15-86 of the Property Tax Code, for the calendar year in which exemption or renewal of exemption is sought. For purposes of making the calculations required by this subsection (b), if the relevant hospital entity is a hospital owner that owns more than one hospital, the value of the services or activities listed in subsection (c) shall be calculated on the basis of only those services and activities relating to the hospital that includes the subject property, and the relevant hospital entity's estimated property tax liability shall be calculated only with respect to the properties comprising that hospital. In the case of a multi-state hospital system or hospital affiliate, the value of the services or activities listed in subsection (c) shall be calculated on the basis of only those services and activities that occur in Illinois and the relevant hospital entity's estimated property tax liability shall be calculated only with respect to its property located in Illinois.

(c) The following services and activities shall be considered for purposes of making the calculations required by subsection (b):

(1) Charity care. Free or discounted services provided pursuant to the relevant hospital entity's financial assistance policy, measured at cost, including discounts provided under the Hospital Uninsured Patient Discount Act.

(2) Health services to low-income and underserved individuals. Other unreimbursed costs of the relevant hospital entity for providing without charge, paying for, or subsidizing goods, activities, or services for the purpose of addressing the health of low-income or underserved individuals. Those activities or services may include, but are not limited to: financial or in-kind support to affiliated or unaffiliated hospitals, hospital affiliates, community clinics, or programs that treat low-income or underserved individuals; paying for or subsidizing health care professionals who care for low-income or underserved individuals; providing or subsidizing outreach or educational services to low-income or underserved individuals for disease management and prevention; free or subsidized goods, supplies, or services needed by low-income or underserved individuals because of their medical condition; and prenatal or childbirth outreach to low-income or underserved persons.

(3) Subsidy of State or local governments. Direct or indirect financial or in-kind subsidies of State or local governments by the relevant hospital entity that pay for or subsidize activities or programs related to health care for low-income or underserved individuals.

(4) Support for State health care programs for low-income individuals. At the election of the hospital applicant for each applicable year, either (A) 10% of payments to the relevant hospital entity and any hospital affiliate designated by the relevant hospital entity (provided that such hospital affiliate's operations provide financial or operational support for or receive financial or operational support from the relevant hospital entity) under Medicaid or other means-tested programs, including, but not limited to, General Assistance, the Covering ALL KIDS Health Insurance Act, and the State Children's Health Insurance Program or (B) the amount of subsidy provided by the relevant hospital entity and any hospital affiliate designated by the relevant hospital entity (provided that such hospital affiliate's operations provide financial or operational support for or receive financial or operational support from the relevant hospital entity) to State or local government in treating Medicaid recipients and recipients of means-tested programs, including but not limited to General Assistance, the Covering ALL KIDS Health Insurance Act, and the State Children's Health Insurance Program. The amount of subsidy for purposes of this item (4) is calculated in the same manner as unreimbursed costs are calculated for Medicaid and other means-tested government programs in the Schedule H of IRS Form 990 in effect on the effective date of this amendatory Act of the 97th General Assembly.

(5) Dual-eligible subsidy. The amount of subsidy provided to government by treating dual-eligible Medicare/Medicaid patients. The amount of subsidy for purposes of this item (5) is calculated by multiplying the relevant hospital entity's unreimbursed costs for Medicare, calculated in the same manner as determined in the Schedule H of IRS Form 990 in effect on the effective date of this amendatory Act of the 97th General Assembly, by the relevant hospital entity's ratio of dual-eligible patients to total Medicare patients.

(6) Relief of the burden of government related to health care. Except to the extent otherwise taken into account in this subsection, the portion of unreimbursed costs of the relevant hospital entity attributable to providing, paying for, or subsidizing goods, activities, or services that relieve the

burden of government related to health care for low-income individuals. Such activities or services shall include, but are not limited to, providing emergency, trauma, burn, neonatal, psychiatric, rehabilitation, or other special services; providing medical education; and conducting medical research or training of health care professionals. The portion of those unreimbursed costs attributable to benefiting low-income individuals shall be determined using the ratio calculated by adding the relevant hospital entity's costs attributable to charity care, Medicaid, other means-tested government programs, Medicare patients with disabilities under age 65, and dual-eligible Medicare/Medicaid patients and dividing that total by the relevant hospital entity's total costs. Such costs for the numerator and denominator shall be determined by multiplying gross charges by the cost to charge ratio taken from the hospital's most recently filed Medicare cost report (CMS 2252-10 Worksheet, Part I). In the case of emergency services, the ratio shall be calculated using costs (gross charges multiplied by the cost to charge ratio taken from the hospital's most recently filed Medicare cost report (CMS 2252-10 Worksheet, Part I)) of patients treated in the relevant hospital entity's emergency department.

(7) Any other activity by the relevant hospital entity that the Department determines relieves the burden of government or addresses the health of low-income or underserved individuals.

(d) The hospital applicant shall include information in its exemption application establishing that it satisfies the requirements of subsection (b). For purposes of making the calculations required by subsection (b), the hospital applicant may for each year elect to use either (1) the value of the services or activities listed in subsection (e) for the hospital year or (2) the average value of those services or activities for the 3 fiscal years ending with the hospital year. If the relevant hospital entity has been in operation for less than 3 completed fiscal years, then the latter calculation, if elected, shall be performed on a pro rata basis.

(e) For purposes of making the calculations required by this Section:

(1) particular services or activities eligible for consideration under any of the paragraphs (1) through (7) of subsection (c) may not be counted under more than one of those paragraphs; and

(2) the amount of unreimbursed costs and the amount of subsidy shall not be reduced by restricted or unrestricted payments received by the relevant hospital entity as contributions deductible under Section 170(a) of the Internal Revenue Code.

(f) (Blank).

(g) Estimation of Exempt Property Tax Liability. The estimated property tax liability used for the determination in subsection (b) shall be calculated as follows:

(1) "Estimated property tax liability" means the estimated dollar amount of property tax that would be owed, with respect to the exempt portion of each of the relevant hospital entity's properties that are already fully or partially exempt, or for which an exemption in whole or in part is currently being sought, and then aggregated as applicable, as if the exempt portion of those properties were subject to tax, calculated with respect to each such property by multiplying:

(A) the lesser of (i) the actual assessed value, if any, of the portion of the property for which an exemption is sought or (ii) an estimated assessed value of the exempt portion of such property as determined in item (2) of this subsection (g), by

(B) the applicable State equalization rate (yielding the equalized assessed value), by

(C) the applicable tax rate.

(2) The estimated assessed value of the exempt portion of the property equals the sum of (i) the estimated fair market value of buildings on the property, as determined in accordance with subparagraphs (A) and (B) of this item (2), multiplied by the applicable assessment factor, and (ii) the estimated assessed value of the land portion of the property, as determined in accordance with subparagraph (C).

(A) The "estimated fair market value of buildings on the property" means the replacement value of any exempt portion of buildings on the property, minus depreciation, determined utilizing the cost replacement method whereby the exempt square footage of all such buildings is multiplied by the replacement cost per square foot for Class A Average building found in the most recent edition of the Marshall & Swift Valuation Services Manual, adjusted by any appropriate current cost and local multipliers.

(B) Depreciation, for purposes of calculating the estimated fair market value of buildings on the property, is applied by utilizing a weighted mean life for the buildings based on original construction and assuming a 40-year life for hospital buildings and the applicable life for other types of buildings as specified in the American Hospital Association publication "Estimated Useful Lives of Depreciable Hospital Assets". In the case of hospital buildings, the remaining life is divided by 40 and this ratio is multiplied by the replacement cost of the buildings to obtain an

estimated fair market value of buildings. If a hospital building is older than 35 years, a remaining life of 5 years for residual value is assumed; and if a building is less than 8 years old, a remaining life of 32 years is assumed.

(C) The estimated assessed value of the land portion of the property shall be determined by multiplying (i) the per square foot average of the assessed values of three parcels of land (not including farm land, and excluding the assessed value of the improvements thereon) reasonably comparable to the property, by (ii) the number of square feet comprising the exempt portion of the property's land square footage.

(3) The assessment factor, State equalization rate, and tax rate (including any special factors such as Enterprise Zones) used in calculating the estimated property tax liability shall be for the most recent year that is publicly available from the applicable chief county assessment officer or officers at least 90 days before the end of the hospital year.

(4) The method utilized to calculate estimated property tax liability for purposes of this Section 15-86 shall not be utilized for the actual valuation, assessment, or taxation of property pursuant to the Property Tax Code.

(h) For the purpose of this Section, the following terms shall have the meanings set forth below:

(1) "Hospital" means any institution, place, building, buildings on a campus, or other health care facility located in Illinois that is licensed under the Hospital Licensing Act and has a hospital owner.

(2) "Hospital owner" means a not-for-profit corporation that is the titleholder of a hospital, or the owner of the beneficial interest in an Illinois land trust that is the titleholder of a hospital.

(3) "Hospital affiliate" means any corporation, partnership, limited partnership, joint venture, limited liability company, association or other organization, other than a hospital owner, that directly or indirectly controls, is controlled by, or is under common control with one or more hospital owners and that supports, is supported by, or acts in furtherance of the exempt health care purposes of at least one of those hospital owners' hospitals.

(4) "Hospital system" means a hospital and one or more other hospitals or hospital affiliates related by common control or ownership.

(5) "Control" relating to hospital owners, hospital affiliates, or hospital systems means possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the entity, whether through ownership of assets, membership interest, other voting or governance rights, by contract or otherwise.

(6) "Hospital applicant" means a hospital owner or hospital affiliate that files an application for an exemption or renewal of exemption under this Section.

(7) "Relevant hospital entity" means (A) the hospital owner, in the case of a hospital applicant that is a hospital owner, and (B) at the election of a hospital applicant that is a hospital affiliate, either (i) the hospital affiliate or (ii) the hospital system to which the hospital applicant belongs, including any hospitals or hospital affiliates that are related by common control or ownership.

(8) "Subject property" means property used for the calculation under subsection (b) of this Section.

(9) "Hospital year" means the fiscal year of the relevant hospital entity, or the fiscal year of one of the hospital owners in the hospital system if the relevant hospital entity is a hospital system with members with different fiscal years, that ends in the year for which the exemption is sought.

(i) It is the intent of the General Assembly that any exemptions taken, granted, or renewed under this Section prior to the effective date of this amendatory Act of the 100th General Assembly are hereby validated.

(Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

Section 35. The Specialized Mental Health Rehabilitation Act of 2013 is amended by changing Sections 2-101 and 4-102 as follows:

(210 ILCS 49/2-101)

Sec. 2-101. Standards for facilities.

(a) The Department shall, by rule, prescribe minimum standards for each level of care for facilities to be in place during the provisional licensure period and thereafter. These standards shall include, but are not limited to, the following:

(1) life safety standards that will ensure the health, safety and welfare of residents and their protection from hazards;

(2) number and qualifications of all personnel, including management and clinical

personnel, having responsibility for any part of the care given to consumers; specifically, the Department shall establish staffing ratios for facilities which shall specify the number of staff hours per consumer of care that are needed for each level of care offered within the facility;

(3) all sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which shall ensure the health and comfort of consumers;

(4) a program for adequate maintenance of physical plant and equipment;

(5) adequate accommodations, staff, and services for the number and types of services being offered to consumers for whom the facility is licensed to care;

(6) development of evacuation and other appropriate safety plans for use during weather, health, fire, physical plant, environmental, and national defense emergencies;

(7) maintenance of minimum financial or other resources necessary to meet the standards established under this Section, and to operate and conduct the facility in accordance with this Act; and

(8) standards for coercive free environment, restraint, and therapeutic separation.

(b) Any requirement contained in administrative rule concerning a percentage of single occupancy rooms shall be calculated based on the total number of licensed or provisionally licensed beds under this Act on January 1, 2019 and shall not be calculated on a per-facility basis.

(Source: P.A. 98-104, eff. 7-22-13.)

(210 ILCS 49/4-102)

Sec. 4-102. Necessity of license. No person may establish, operate, maintain, offer, or advertise a facility within this State unless and until he or she obtains a valid license therefor as hereinafter provided, which license remains unsuspended, unrevoked, and unexpired. No public official or employee may place any person in, or recommend that any person be in, or directly or indirectly cause any person to be placed in any facility that is being operated without a valid license. All licenses and licensing procedures established under Article III of the Nursing Home Care Act, except those contained in Section 3-202, shall be deemed valid under this Act until the Department establishes licensure. The Department is granted the authority under this Act to establish provisional licensure and licensing procedures under this Act by emergency rule and shall do so within 120 days of the effective date of this Act. The Department shall not grant a provisional license to any facility that does not possess a provisional license on November 30, 2018 and is licensed under the Nursing Home Care Act on or before November 30, 2018. The Department shall not grant a license to any facility that has not first received a provisional license. The changes made by this amendatory Act of the 100th General Assembly do not apply to the provisions of subsection (c) of Section 1-101.5 concerning facility closure and relocation.

(Source: P.A. 98-104, eff. 7-22-13.)

Section 40. The Illinois Public Aid Code is amended by changing Sections 5-5.07, 5A-4, 5A-13, and 14-12 as follows:

(305 ILCS 5/5-5.07)

(Section scheduled to be repealed on January 27, 2019)

Sec. 5-5.07. Inpatient psychiatric stay; DCFS per diem rate. The Department of Children and Family Services shall pay the DCFS per diem rate for inpatient psychiatric stay at a free-standing psychiatric hospital effective the 11th day when a child is in the hospital beyond medical necessity, and the parent or caregiver has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child or the child's discharge is being delayed due to a pending inquiry or investigation by the Department of Children and Family Services. This Section is repealed on July 1, 2019 ~~6 months after the effective date of this amendatory Act of the 100th General Assembly~~.

(Source: P.A. 100-646, eff. 7-27-18.)

(305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)

Sec. 5A-4. Payment of assessment; penalty.

(a) The assessment imposed by Section 5A-2 for State fiscal year 2009 through State fiscal year 2018 or as provided in Section 5A-16, shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the fourteenth State business day of each month. No installment payment of an assessment imposed by Section 5A-2 shall be due and payable, however, until after the Comptroller has issued the payments required under this Article.

Except as provided in subsection (a-5) of this Section, the assessment imposed by subsection (b-5) of Section 5A-2 for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal year 2013 through State fiscal year 2018 or as provided in Section 5A-16, shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 17th ~~14th~~ State business day of each month. No installment payment of an assessment imposed by subsection (b-5)

of Section 5A-2 shall be due and payable, however, until after: (i) the Department notifies the hospital provider, in writing, that the payment methodologies to hospitals required under Section 5A-12.4, have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services, and the waiver under 42 CFR 433.68 for the assessment imposed by subsection (b-5) of Section 5A-2, if necessary, has been granted by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services; and (ii) the Comptroller has issued the payments required under Section 5A-12.4. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12.4 and the waiver granted under 42 CFR 433.68, if necessary, all installments otherwise due under subsection (b-5) of Section 5A-2 prior to the date of notification shall be due and payable to the Department upon written direction from the Department and issuance by the Comptroller of the payments required under Section 5A-12.4.

Except as provided in subsection (a-5) of this Section, the assessment imposed under Section 5A-2 for State fiscal year 2019 and each subsequent State fiscal year shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14th State business day of each month. No installment payment of an assessment imposed by Section 5A-2 shall be due and payable, however, until after: (i) the Department notifies the hospital provider, in writing, that the payment methodologies to hospitals required under Section 5A-12.6 have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services, and the waiver under 42 CFR 433.68 for the assessment imposed by Section 5A-2, if necessary, has been granted by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services; and (ii) the Comptroller has issued the payments required under Section 5A-12.6. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12.6 and the waiver granted under 42 CFR 433.68, if necessary, all installments otherwise due under Section 5A-2 prior to the date of notification shall be due and payable to the Department upon written direction from the Department and issuance by the Comptroller of the payments required under Section 5A-12.6.

(a-5) The Illinois Department may accelerate the schedule upon which assessment installments are due and payable by hospitals with a payment ratio greater than or equal to one. Such acceleration of due dates for payment of the assessment may be made only in conjunction with a corresponding acceleration in access payments identified in Section 5A-12.2, Section 5A-12.4, or Section 5A-12.6 to the same hospitals. For the purposes of this subsection (a-5), a hospital's payment ratio is defined as the quotient obtained by dividing the total payments for the State fiscal year, as authorized under Section 5A-12.2, Section 5A-12.4, or Section 5A-12.6, by the total assessment for the State fiscal year imposed under Section 5A-2 or subsection (b-5) of Section 5A-2.

(b) The Illinois Department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this Section due to financial difficulties, as determined by the Illinois Department.

(c) If a hospital provider fails to pay the full amount of an installment when due (including any extensions granted under subsection (b)), there shall, unless waived by the Illinois Department for reasonable cause, be added to the assessment imposed by Section 5A-2 a penalty assessment equal to the lesser of (i) 5% of the amount of the installment not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each 30-day period thereafter or (ii) 100% of the installment amount not paid on or before the due date. For purposes of this subsection, payments will be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

(d) Any assessment amount that is due and payable to the Illinois Department more frequently than once per calendar quarter shall be remitted to the Illinois Department by the hospital provider by means of electronic funds transfer. The Illinois Department may provide for remittance by other means if (i) the amount due is less than $10,000 or (ii) electronic funds transfer is unavailable for this purpose.

(Source: P.A. 100-581, eff. 3-12-18.)

(305 ILCS 5/5A-13)

Sec. 5A-13. Emergency rulemaking.

(a) The Department of Healthcare and Family Services (formerly Department of Public Aid) may adopt rules necessary to implement this amendatory Act of the 94th General Assembly through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the General Assembly finds that the adoption of rules to implement this amendatory Act of the 94th General Assembly is deemed an emergency and necessary for the public interest, safety, and welfare.

(b) The Department of Healthcare and Family Services may adopt rules necessary to implement this amendatory Act of the 97th General Assembly through the use of emergency rulemaking in accordance

with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the General Assembly finds that the adoption of rules to implement this amendatory Act of the 97th General Assembly is deemed an emergency and necessary for the public interest, safety, and welfare.

(c) The Department of Healthcare and Family Services may adopt rules necessary to initially implement the changes to Articles 5, 5A, 12, and 14 of this Code under this amendatory Act of the 100th General Assembly through the use of emergency rulemaking in accordance with subsection (aa) of Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the General Assembly finds that the adoption of rules to implement the changes to Articles 5, 5A, 12, and 14 of this Code under this amendatory Act of the 100th General Assembly is deemed an emergency and necessary for the public interest, safety, and welfare. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted to initially implement the changes to Articles 5, 5A, 12, and 14 of this Code under this amendatory Act of the 100th General Assembly. For purposes of this subsection, "initially" means any emergency rules necessary to immediately implement the changes authorized to Articles 5, 5A, 12, and 14 of this Code under this amendatory Act of the 100th General Assembly; however, emergency rulemaking authority shall not be used to make changes that could otherwise be made following the process established in the Illinois Administrative Procedure Act.

(d) The Department of Healthcare and Family Services may on a one-time-only basis adopt rules necessary to initially implement the changes to Articles 5A and 14 of this Code under this amendatory Act of the 100th General Assembly through the use of emergency rulemaking in accordance with subsection (ee) of Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the General Assembly finds that the adoption of rules on a one-time-only basis to implement the changes to Articles 5A and 14 of this Code under this amendatory Act of the 100th General Assembly is deemed an emergency and necessary for the public interest, safety, and welfare. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted to initially implement the changes to Articles 5A and 14 of this Code under this amendatory Act of the 100th General Assembly.

(Source: P.A. 100-581, eff. 3-12-18.)

(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 triennially. 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 and ending on June 30, 2020, or upon implementation of inpatient psychiatric rate increases as described in subsection (n) of Section 5A-12.6, 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) Beginning July 1, 2020, the reimbursement for inpatient psychiatric services shall be so that base claims projected reimbursement is increased by an amount equal to the funds allocated in paragraph (2) 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 13%. Beginning July 1, 2022, the reimbursement for inpatient psychiatric services shall be so that base claims projected reimbursement is increased by an amount equal to the funds allocated in paragraph (3) 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 13%. Beginning July 1, 2024, the reimbursement for inpatient psychiatric services shall be so that base claims projected reimbursement is increased by an amount equal to the funds allocated in paragraph (4) 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 13%.

(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%. Beginning July 1, 2020, 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 (2) 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%. Beginning July 1, 2022, 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 (3) 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%. Beginning July 1, 2023 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 (4) 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.

Beginning July 1, 2020, the reimbursement for inpatient rehabilitation services shall be uniformly increased so that the $96 per day add-on is increased by an amount equal to the funds allocated in paragraph (2) 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 0.9%.

Beginning July 1, 2022, the reimbursement for inpatient rehabilitation services shall be uniformly increased so that the $96 per day add-on as adjusted by the July 1, 2020 increase, is increased by an amount equal to the funds allocated in paragraph (3) 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 0.9%.

Beginning July 1, 2023, the reimbursement for inpatient rehabilitation services shall be uniformly increased so that the $96 per day add-on as adjusted by the July 1, 2022 increase, is increased by an amount equal to the funds allocated in paragraph (4) 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 0.9%.

(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 ~~E-APG~~) 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 ~~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%. Beginning July 1, 2020, 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 (2) 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%. Beginning July 1, 2022, 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 the funds allocated in paragraph (3) 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%. Beginning July 1, 2023, 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 (4) 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 this amendatory Act of the 100th General Assembly 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 the effective date of this amendatory Act of the 100th General Assembly, 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 this amendatory Act of the 100th General Assembly shall be applied prospectively to claims for dates of service provided on or after the effective date of this amendatory Act of the 100th General Assembly 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 the effective date of this amendatory Act of the 100th General Assembly 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 the effective date of this amendatory Act of the 100th General Assembly.

(c) In consultation with the hospital community, the Department is authorized to replace 89 Ill. 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) ~~this amendatory Act of the 98th General Assembly~~. If the Department does not replace these rules within 12 months of June 16, 2014 (the effective date of Public Act 98-651) ~~this amendatory Act of the 98th General Assembly~~, 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 transformation program. The Department, in conjunction with the Hospital Transformation Review Committee created under subsection (d-5), shall develop a hospital 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. During State fiscal years 2021 and 2022, the Department shall allocate funds from the transitional access hospital pool to create a hospital transformation pool annually and make hospital transformation payments to hospitals participating in the transformation program. Any hospital may seek transformation funding in Phase 2. Any hospital that seeks transformation funding in Phase 2 to update or repurpose the hospital's physical structure to transition to a new delivery model, must submit to the Department in writing a transformation plan, based on the Department's guidelines, that describes the desired delivery model with projections of patient volumes by service lines and projected revenues, expenses, and net income that correspond to the new delivery model. In Phase 2, subject to the approval of rules, the Department may use the hospital transformation pool to increase base rates, develop new adjustors, adjust current adjustors, or develop new access payments in order to support and incentivize hospitals to pursue such transformation. In developing such methodologies, the Department shall ensure that the entire hospital transformation pool continues to be expended to ensure access to hospital services or to support organizations that had received hospital transformation payments under this Section.

(A) Any hospital participating in the hospital transformation program shall provide an opportunity for public input by local community groups, hospital workers, and healthcare professionals and assist in facilitating discussions about any transformations or changes to the hospital.

(B) 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 certification from the Department, approved by the Hospital Transformation Review Committee, that the project is a part of the hospital's transformation.

(C) 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 certification from the Department, approved by the Hospital Transformation Review Committee, that the project is a part of the hospital's transformation.

(3) By April 1, 2019 ~~Within 6 months after the effective date of this amendatory Act of the 100th General Assembly,~~ the Department, in conjunction with the Hospital Transformation Review Committee, shall develop and file as an administrative rule with the Secretary of State ~~adopt, by rule,~~ the goals, objectives, policies, standards, payment models, or criteria to be applied in Phase 2 of the program to allocate the hospital transformation funds. The goals, objectives, and policies to be considered may include, but are not limited to, achieving unmet needs of a community that a hospital serves such as behavioral health services, outpatient services, or drug rehabilitation services; attaining certain quality or patient safety benchmarks for health care services; or improving the coordination, effectiveness, and efficiency of care delivery. Notwithstanding any other provision of law, any rule adopted in accordance with this subsection (d-5) may be submitted to the Joint Committee on Administrative Rules for approval only if the rule has first been approved by 9 of the 14 members of the Hospital Transformation Review Committee.

(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) ~~this amendatory Act of the 100th General Assembly~~, 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 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 triennially 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 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. 99-2, eff. 3-26-15; 100-581, eff. 3-12-18; revised 10-3-18.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

Under the rules, the foregoing **Senate Bill No. 1469**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1328

A bill for AN ACT concerning criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 5 to SENATE BILL NO. 1328

Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 5 TO SENATE BILL 1328

AMENDMENT NO. 5 . Amend Senate Bill 1328 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 15-113 as follows:

(625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

(Text of Section before amendment by P.A. 100-987)

Sec. 15-113. Violations; Penalties.

(a) Whenever any vehicle is operated in violation of the provisions of Section 15-111 or subsection (d) of Section 3-401, the owner or driver of such vehicle shall be deemed guilty of such violation and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person charged with a violation of any of these provisions who pleads not guilty shall be present in court for the trial on the charge. Any person, firm or corporation convicted of any violation of Section 15-111 including, but not limited to, a maximum axle or gross limit specified on a regulatory sign posted in accordance with paragraph (e) or (f) of Section 15-111, shall be fined according to the following schedule:

Up to and including 2000 pounds overweight, the fine is $100

From 2001 through 2500 pounds overweight, the fine is $270

From 2501 through 3000 pounds overweight, the fine is $330

From 3001 through 3500 pounds overweight, the fine is $520

From 3501 through 4000 pounds overweight, the fine is $600

From 4001 through 4500 pounds overweight, the fine is $850

From 4501 through 5000 pounds overweight, the fine is $950

From 5001 or more pounds overweight, the fine shall be computed by assessing $1500 for the first 5000 pounds overweight and $150 for each additional increment of 500 pounds overweight or fraction thereof.

In addition any person, firm or corporation convicted of 4 or more violations of Section 15-111 within any 12 month period shall be fined an additional amount of $5,000 for the fourth and each subsequent conviction within the 12 month period. Provided, however, that with regard to a firm or corporation, a fourth or subsequent conviction shall mean a fourth or subsequent conviction attributable to any one employee-driver.

(b) Whenever any vehicle is operated in violation of the provisions of Sections 15-102, 15-103 or 15-107, the owner or driver of such vehicle shall be deemed guilty of such violation and either may be prosecuted for such violation. Any person, firm or corporation convicted of any violation of Sections 15-102, 15-103 or 15-107 shall be fined for the first or second conviction an amount equal to not less than $50 nor more than $500, and for the third and subsequent convictions by the same person, firm or corporation within a period of one year after the date of the first offense, not less than $500 nor more than $1,000.

(c) All proceeds of the additional fines imposed by this amendatory Act of the 96th General Assembly shall be deposited into the Capital Projects Fund.

(Source: P.A. 96-34, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-201, eff. 1-1-12.)

(Text of Section after amendment by P.A. 100-987)

Sec. 15-113. Violations; Penalties.

(a) Whenever any vehicle is operated in violation of the provisions of Section 15-111 or subsection (d) of Section 3-401, the owner or driver of such vehicle shall be deemed guilty of such violation and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person charged with a violation of any of these provisions who pleads not guilty shall be present in court for the trial on the charge. Any person, firm, or corporation convicted of any violation of Section 15-111 including, but not limited to, a maximum axle or gross limit specified on a regulatory sign posted in accordance with paragraph (e) or (f) of Section 15-111, shall be fined according to the following schedule:

Up to and including 2000 pounds overweight, the fine is $100

From 2001 through 2500 pounds overweight, the fine is $270

From 2501 through 3000 pounds overweight, the fine is $330

From 3001 through 3500 pounds overweight, the fine is $520

From 3501 through 4000 pounds overweight, the fine is $600

From 4001 through 4500 pounds overweight, the fine is $850

From 4501 through 5000 pounds overweight, the fine is $950

From 5001 or more pounds overweight, the fine shall be computed by assessing $1500 for the first 5000 pounds overweight and $150 for each additional increment of 500 pounds overweight or fraction thereof.

In addition, any person, firm, or corporation convicted of 4 or more violations of Section 15-111 within any 12 month period shall be fined an additional amount of $5,000 for the fourth and each subsequent conviction within the 12 month period. Provided, however, that with regard to a firm or corporation, a fourth or subsequent conviction shall mean a fourth or subsequent conviction attributable to any one employee-driver.

(b) Whenever any vehicle is operated in violation of the provisions of Sections 15-102, 15-103 or 15-107, the owner or driver of such vehicle shall be deemed guilty of such violation and either may be prosecuted for such violation. Any person, firm, or corporation convicted of any violation of Sections 15-102, 15-103 or 15-107 shall be fined for the first or second conviction an amount equal to not less than $50 nor more than $500, and for the third and subsequent convictions by the same person, firm, or corporation within a period of one year after the date of the first offense, not less than $500 nor more than $1,000.

(c) All proceeds equal to 50% of the fines recovered ~~imposed~~ under subsection (a) of this Section shall be remitted to the State Treasurer and deposited into the Capital Projects Fund.

(Source: P.A. 100-987, eff. 7-1-19.)

Section 10. The Clerks of Courts Act is amended by changing Section 27.1b and by adding Section 27.1c as follows:

(705 ILCS 105/27.1b)

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

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

Sec. 27.1b. Circuit court clerk fees. Notwithstanding any other provision of law, all fees charged by the clerks of the circuit court for the services described in this Section shall be established, collected, and disbursed in accordance with this Section. Except as otherwise specified in this Section, all fees under this Section shall be paid in advance and disbursed by each clerk on a monthly basis. In a county with a population of over 3,000,000, units of local government and school districts shall not be required to pay fees under this Section in advance and the clerk shall instead send an itemized bill to the unit of local government or school district, within 30 days of the fee being incurred, and the unit of local government or school district shall be allowed at least 30 days from the date of the itemized bill to pay; these payments shall be disbursed by each clerk on a monthly basis. Unless otherwise specified in this Section, the amount of a fee shall be determined by ordinance or resolution of the county board and remitted to the county treasurer to be used for purposes related to the operation of the court system in the county. In a county with population of over 3,000,000, any amount retained by the clerk of the circuit court or remitted to the county treasurer shall be subject to appropriation by the county board.

(a) Civil cases. The fee for filing a complaint, petition, or other pleading initiating a civil action shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Supreme Court in schedules.

(1) SCHEDULE 1: not to exceed a total of $366 in a county with a population of 3,000,000 or more and not to exceed $316 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $190 through December 31, 2021 and $184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $55 in a county with a population of 3,000,000 or more and in an amount not to exceed $45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to $21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to $10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) $2 into the Access to Justice Fund; and

(iii) $9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $290 in a county with a population of 3,000,000 or more and in an amount not to exceed $250 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(2) SCHEDULE 2: not to exceed a total of $357 in a county with a population of 3,000,000 or more and not to exceed $266 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $190 through December 31, 2021 and $184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $55 in a county with a population of 3,000,000 or more and in an amount not to exceed $45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to $21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to $10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) $2 into the Access to Justice Fund: and

(iii) $9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $281 in a county with a population of 3,000,000 or more and in an amount not to exceed $200 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(3) SCHEDULE 3: not to exceed a total of $265 in a county with a population of 3,000,000 or more and not to exceed $89 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $190 through December 31, 2021 and $184 on and after January 1, 2022. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $55 in a county with a population of 3,000,000 or more and in an amount not to exceed $22 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit $11 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts in accordance with the clerk's instructions, as follows:

(i) $2 into the Access to Justice Fund; and

(ii) $9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $199 in a county with a population of 3,000,000 or more and in an amount not to exceed $56 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(4) SCHEDULE 4: $0.

(b) Appearance. The fee for filing an appearance in a civil action, including a cannabis civil law action under the Cannabis Control Act, shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Supreme Court in schedules.

(1) SCHEDULE 1: not to exceed a total of $230 in a county with a population of 3,000,000 or more and not to exceed $191 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $75. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $50 in a county with a population of 3,000,000 or more and in an amount not to exceed $45 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit up to $21 to the State Treasurer. The State Treasurer shall deposit the appropriate amounts, in accordance with the clerk's instructions, as follows:

(i) up to $10, as specified by the Supreme Court in accordance with Part 10A of Article II of the Code of Civil Procedure, into the Mandatory Arbitration Fund;

(ii) $2 into the Access to Justice Fund; and

(iii) $9 into the Supreme Court Special Purposes Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $159 in a county with a population of 3,000,000 or more and in an amount not to exceed $125 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(2) SCHEDULE 2: not to exceed a total of $130 in a county with a population of 3,000,000 or more and not to exceed $109 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $75. The fees collected under this schedule shall be disbursed as follows:

(A) The clerk shall retain a sum, in an amount not to exceed $50 in a county with a population of 3,000,000 or more and in an amount not to exceed $10 in any other county determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

(B) The clerk shall remit $9 to the State Treasurer, which the State Treasurer shall deposit into the Supreme Court Special Purpose Fund.

(C) The clerk shall remit a sum to the County Treasurer, in an amount not to exceed $71 in a county with a population of 3,000,000 or more and in an amount not to exceed $90 in any other county, as specified by ordinance or resolution passed by the county board, for purposes related to the operation of the court system in the county.

(3) SCHEDULE 3: $0.

(b-5) Kane County and Will County. In Kane County and Will County civil cases, there is an additional fee of up to $30 as set by the county board under Section 5-1101.3 of the Counties Code to be paid by each party at the time of filing the first pleading, paper, or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance. Distribution of fees collected under this subsection (b-5) shall be as provided in Section 5-1101.3 of the Counties Code.

(c) Counterclaim or third party complaint. When any defendant files a counterclaim or third party complaint, as part of the defendant's answer or otherwise, the defendant shall pay a filing fee for each counterclaim or third party complaint in an amount equal to the filing fee the defendant would have had to pay had the defendant brought a separate action for the relief sought in the counterclaim or third party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third party complaint is filed.

(d) Alias summons. The clerk shall collect a fee not to exceed $6 in a county with a population of 3,000,000 or more and not to exceed $5 in any other county for each alias summons or citation issued by the clerk, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $5 for each alias summons or citation issued by the clerk.

(e) Jury services. The clerk shall collect, in addition to other fees allowed by law, a sum not to exceed $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the action or proceeding shall be tried by the court without a jury.

(f) Change of venue. In connection with a change of venue:

(1) The clerk of the jurisdiction from which the case is transferred may charge a fee, not to exceed $40, for the preparation and certification of the record; and

(2) The clerk of the jurisdiction to which the case is transferred may charge the same filing fee as if it were the commencement of a new suit.

(g) Petition to vacate or modify.

(1) In a proceeding involving a petition to vacate or modify any final judgment or order filed within 30 days after the judgment or order was entered, except for an eviction ~~a forcible entry and detainer~~ case, small claims case, petition to reopen an estate, petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding, the fee shall not exceed $60 in a county with a population of 3,000,000 or more and shall not exceed $50 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $50.

(2) In a proceeding involving a petition to vacate or modify any final judgment or order filed more than 30 days after the judgment or order was entered, except for a petition to modify, terminate, or enforce a judgment or order for child or spousal support, or petition to modify, suspend, or terminate an order for withholding, the fee shall not exceed $75.

(3) In a proceeding involving a motion to vacate or amend a final order, motion to vacate an ex parte judgment, judgment of forfeiture, or "failure to appear" or "failure to comply" notices sent to the Secretary of State, the fee shall equal $40.

(h) Appeals preparation. The fee for preparation of a record on appeal shall be based on the number of pages, as follows:

(1) if the record contains no more than 100 pages, the fee shall not exceed $70 in a county with a population of 3,000,000 or more and shall not exceed $50 in any other county;

(2) if the record contains between 100 and 200 pages, the fee shall not exceed $100; and

(3) if the record contains 200 or more pages, the clerk may collect an additional fee not to exceed 25 cents per page.

(i) Remands. In any cases remanded to the circuit court from the Supreme Court or the appellate court for a new trial, the clerk shall reinstate the case with either its original number or a new number. The clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement, the clerk shall advise the parties of the reinstatement. Parties shall have the same right to a jury trial on remand and reinstatement that they had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(j) Garnishment, wage deduction, and citation. In garnishment affidavit, wage deduction affidavit, and citation petition proceedings:

(1) if the amount in controversy in the proceeding is not more than $1,000, the fee may not exceed $35 in a county with a population of 3,000,000 or more and may not exceed $15 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $15;

(2) if the amount in controversy in the proceeding is greater than $1,000 and not more than $5,000, the fee may not exceed $45 in a county with a population of 3,000,000 or more and may not exceed $30 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $30; and

(3) if the amount in controversy in the proceeding is greater than $5,000, the fee may not exceed $65 in a county with a population of 3,000,000 or more and may not exceed $50 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $50.

(j-5) Debt collection. In any proceeding to collect a debt subject to the exception in item (ii) of subparagraph (A-5) of paragraph (1) of subsection (z) of this Section, the circuit court shall order and the clerk shall collect from each judgment debtor a fee of:

(1) $35 if the amount in controversy in the proceeding is not more than $1,000;

(2) $45 if the amount in controversy in the proceeding is greater than $1,000 and not more than $5,000; and

(3) $65 if the amount in controversy in the proceeding is greater than $5,000.

(k) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, the clerk may collect a fee of up to 2.5% of the amount collected and turned over.

(2) In child support and maintenance cases, the clerk may collect an annual fee of up to

$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee is in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(3) The clerk may collect a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Illinois Vehicle Code, ~~Family Financial Responsibility Law~~ and this fee ~~these fees~~ shall be deposited into the Separate Maintenance and Child Support Collection Fund.

(4) In proceedings to foreclose the lien of delinquent real estate taxes, State's Attorneys shall receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings. The clerk shall collect the fee from the total amount realized from the sale of the real estate sold in the proceedings and remit to the County Treasurer to be credited to the earnings of the Office of the State's Attorney.

(l) Mailing. The fee for the clerk mailing documents shall not exceed $10 plus the cost of postage.

(m) Certified copies. The fee for each certified copy of a judgment, after the first copy, shall not exceed $10.

(n) Certification, authentication, and reproduction.

(1) The fee for each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office shall not exceed $6.

(2) The fee for reproduction of any document contained in the clerk's files shall not exceed:

(A) $2 for the first page;

(B) 50 cents per page for the next 19 pages; and

(C) 25 cents per page for all additional pages.

(o) Record search. For each record search, within a division or municipal district, the clerk may collect a search fee not to exceed $6 for each year searched.

(p) Hard copy. For each page of hard copy print output, when case records are maintained on an automated medium, the clerk may collect a fee not to exceed $10 in a county with a population of 3,000,000 or more and not to exceed $6 in any other county, except as applied to units of local government and school districts in counties with more than 3,000,000 inhabitants an amount not to exceed $6.

(q) Index inquiry and other records. No fee shall be charged for a single plaintiff and defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(r) Performing a marriage. There shall be a $10 fee for performing a marriage in court.

(s) Voluntary assignment. For filing each deed of voluntary assignment, the clerk shall collect a fee not to exceed $20. For recording a deed of voluntary assignment, the clerk shall collect a fee not to exceed 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(t) Expungement petition. The clerk may collect a fee not to exceed $60 for each expungement petition filed and an additional fee not to exceed $4 for each certified copy of an order to expunge arrest records.

(u) Transcripts of judgment. For the filing of a transcript of judgment, the clerk may collect the same fee as if it were the commencement of a new suit.

(v) Probate filings.

(1) For each account (other than one final account) filed in the estate of a decedent, or ward, the fee shall not exceed $25.

(2) For filing a claim in an estate when the amount claimed is greater than $150 and not more than $500, the fee shall not exceed $40 in a county with a population of 3,000,000 or more and shall not exceed $25 in any other county; when the amount claimed is greater than $500 and not more than $10,000, the fee shall not exceed $55 in a county with a population of 3,000,000 or more and shall

not exceed $40 in any other county; and when the amount claimed is more than $10,000, the fee shall not exceed $75 in a county with a population of 3,000,000 or more and shall not exceed $60 in any other county; except the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(3) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, the fee shall not exceed $60.

(4) There shall be no fee for filing in an estate: (i) the appearance of any person for the purpose of consent; or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator.

(5) For each jury demand, the fee shall not exceed $137.50.

(6) For each certified copy of letters of office, of court order, or other certification, the fee shall not exceed $2 per page.

(7) For each exemplification, the fee shall not exceed $2, plus the fee for certification.

(8) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(9) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fees shall pay the same directly to the person entitled thereto.

(10) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Corrections of numbers. For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, the fee shall not exceed $25.

(x) Miscellaneous.

(1) Interest earned on any fees collected by the clerk shall be turned over to the county general fund as an earning of the office.

(2) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, the clerk shall collect a fee of $25.

(y) Other fees. Any fees not covered in this Section shall be set by rule or administrative order of the circuit court with the approval of the Administrative Office of the Illinois Courts. The clerk of the circuit court may provide services in connection with the operation of the clerk's office, other than those services mentioned in this Section, as may be requested by the public and agreed to by the clerk and approved by the Chief Judge. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the Chief Judge. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(y-5) Unpaid fees. Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived under a court order, the clerk of the circuit court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be deposited into the Circuit Court Clerk Operations and Administration Fund and used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(z) Exceptions.

(1) No fee authorized by this Section shall apply to:

(A) police departments or other law enforcement agencies. In this Section, "law enforcement agency" means: an agency of the State or agency of a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances; the Attorney General; or any State's Attorney;

(A-5) any unit of local government or school district, except in counties having a population of 500,000 or more the county board may by resolution set fees for units of local government or school districts no greater than the minimum fees applicable in counties with a population less than 3,000,000; provided however, no fee may be charged to any unit of local government or school district in connection with any action which, in whole or in part, is: (i) to enforce an ordinance; (ii) to collect a debt; or (iii) under the Administrative Review Law;

(B) any action instituted by the corporate authority of a municipality with more

than 1,000,000 inhabitants under Section 11-31-1 of the Illinois Municipal Code and any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1,200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection;

(C) any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code;

(D) a petitioner in any order of protection proceeding, including, but not limited to, fees for filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, issuing alias summons, any related filing service, or certifying, modifying, vacating, or photocopying any orders of protection; or

(E) proceedings for the appointment of a confidential intermediary under the Adoption Act.

(2) No fee other than the filing fee contained in the applicable schedule in subsection (a) shall be charged to any person in connection with an adoption proceeding.

(3) Upon good cause shown, the court may waive any fees associated with a special needs adoption. The term "special needs adoption" has the meaning provided by the Illinois Department of Children and Family Services.

(aa) This Section is repealed on January 1, 2021 ~~December 31, 2019~~.

(Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19; revised 10-4-18.)

(705 ILCS 105/27.1c new)

Sec. 27.1c. Assessment report.

(a) Not later than February 29, 2020, the clerk of the circuit court shall submit to the Administrative Office of the Illinois Courts a report for the period July 1, 2019 through December 31, 2019 containing, with respect to each of the 4 categories of civil cases established by the Supreme Court pursuant to Section 27.1b of this Act:

(1) the total number of cases that were filed;

(2) the amount of filing fees that were collected pursuant to subsection (a) of Section 27.1b;

(3) the amount of appearance fees that were collected pursuant to subsection (b) of Section 27.1b;

(4) the amount of fees collected pursuant to subsection (b-5) of Section 27.1b;

(5) the amount of filing fees collected for counterclaims or third party complaints pursuant to subsection (c) of Section 27.1b;

(6) the nature and amount of any fees collected pursuant to subsection (y) of Section 27.1b; and

(7) the number of cases for which, pursuant to Section 5-105 of the Code of Civil Procedure, there were waivers of fees, costs, and charges of 25%, 50%, 75%, or 100%, respectively, and the associated amount of fees, costs, and charges that were waived.

(b) The Administrative Office of the Illinois Courts shall publish the reports submitted under this Section on its website.

(c) This Section is repealed on January 1, 2021.

Section 15. The Criminal and Traffic Assessment Act is amended by changing Sections 1-5, 5-10, 10-5, 15-30, 15-50, 15-52, 15-60, and 15-70 and by adding Section 1-10 as follows:

(705 ILCS 135/1-5)

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

(Section scheduled to be repealed on January 1, 2021)

Sec. 1-5. Definitions. In this Act:

"Assessment" means any costs imposed on a defendant under schedules 1 through 13 of this Act.

"Business offense" means any offense punishable by a fine in excess of $1,000 and for which a sentence of imprisonment is not an authorized disposition ~~a petty offense for which the fine is in excess of $1,000~~.

"Case" means all charges and counts filed against a single defendant which are being prosecuted as a single proceeding before the court.

"Count" means each separate offense charged in the same indictment, information, or complaint when the indictment, information, or complaint alleges the commission of more than one offense.

"Conservation offense" means any violation of the following Acts, Codes, or ordinances, except any offense punishable upon conviction by imprisonment in the penitentiary:

(1) Fish and Aquatic Life Code;

(2) Wildlife Code;

(3) Boat Registration and Safety Act;

(4) Park District Code;
(5) Chicago Park District Act;
(6) State Parks Act;
(7) State Forest Act;
(8) Forest Fire Protection District Act;
(9) Snowmobile Registration and Safety Act;
(10) Endangered Species Protection Act;
(11) Forest Products Transportation Act;
(12) Timber Buyers Licensing Act;
(13) Downstate Forest Preserve District Act;
(14) Exotic Weed Act;
(15) Ginseng Harvesting Act;
(16) Cave Protection Act;
(17) ordinances adopted under the Counties Code for the acquisition of property for parks or recreational areas;
(18) Recreational Trails of Illinois Act;
(19) Herptiles-Herps Act; or
(20) any rule, regulation, proclamation, or ordinance adopted under any Code or Act named in paragraphs (1) through (19) of this definition.

"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.

"Drug offense" means any violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or any similar local ordinance which involves the possession or delivery of a drug.

"Drug-related emergency response" means the act of collecting evidence from or securing a site where controlled substances were manufactured, or where by-products from the manufacture of controlled substances are present, and cleaning up the site, whether these actions are performed by public entities or private contractors paid by public entities.

"Electronic citation" means the process of transmitting traffic, misdemeanor, ~~municipal~~ ordinance, conservation, or other citations and law enforcement data via electronic means to a circuit court clerk.

"Emergency response" means any incident requiring a response by a police officer, an ambulance, a firefighter carried on the rolls of a regularly constituted fire department or fire protection district, a firefighter of a volunteer fire department, or a member of a recognized not-for-profit rescue or emergency medical service provider. "Emergency response" does not include a drug-related emergency response.

"Felony offense" means an offense for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided.

"Fine" means a pecuniary punishment for a conviction or supervision disposition as ordered by a court of law.

"Highest classified offense" means the offense in the case which carries the most severe potential disposition under Article 4.5 of Chapter V of the Unified Code of Corrections.

"Major traffic offense" means a traffic offense, as defined by paragraph (f) of Supreme Court Rule 501, ~~under the Illinois Vehicle Code or a similar provision of a local ordinance~~ other than a petty offense or business offense.

"Minor traffic offense" means a traffic offense, as defined by paragraph (f) of Supreme Court Rule 501, that is a petty offense or business offense ~~under the Illinois Vehicle Code or a similar provision of a local ordinance~~.

"Misdemeanor offense" means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

"Offense" means a violation of any local ordinance or penal statute of this State.

"Petty offense" means any offense punishable by a fine of up to $1,000 and for which a sentence of imprisonment is not an authorized disposition.

"Service provider costs" means costs incurred as a result of services provided by an entity including, but not limited to, traffic safety programs, laboratories, ambulance companies, and fire departments. "Service provider costs" includes conditional amounts under this Act that are reimbursements for services provided.

"Street value" means the amount determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount of drug or materials seized and any testimony as may be

required by the court as to the current street value of the cannabis, controlled substance, methamphetamine or salt of an optical isomer of methamphetamine, or methamphetamine manufacturing materials seized.

"Supervision" means a disposition of conditional and revocable release without probationary supervision, but under the conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered.

(Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19; revised 10-4-18.)

(705 ILCS 135/1-10 new)

Sec. 1-10. Assessment reports.

(a) Not later than February 29, 2020, the clerk of the circuit court shall file with the Administrative Office of the Illinois Courts:

(1) a report for the period July 1, 2019 through December 31, 2019 containing the total number of cases filed in the following categories: total felony cases; felony driving under the influence of alcohol, drugs, or a combination thereof; cases that contain at least one count of driving under the influence of alcohol, drugs, or a combination thereof; felony cases that contain at least one count of a drug offense; felony cases that contain at least one count of a sex offense; total misdemeanor cases; misdemeanor driving under the influence of alcohol, drugs, or a combination thereof cases; misdemeanor cases that contain at least one count of a drug offense; misdemeanor cases that contain at least one count of a sex offense; total traffic offense counts; traffic offense counts of a misdemeanor offense under the Illinois Vehicle Code; traffic offense counts of an overweight offense under the Illinois Vehicle Code; traffic offense counts that are satisfied under Supreme Court Rule 529; conservation cases; and ordinance cases that do not contain an offense under the Illinois Vehicle Code;

(2) a report for the period July 1, 2019 through December 31, 2019 containing the following for each schedule referenced in Sections 15-5 through 15-70 of this Act: the number of offenses for which assessments were imposed; the amount of any fines imposed in addition to assessments; the number and amount of conditional assessments ordered pursuant to Section 15-70; and for 25%, 50%, 75%, and 100% waivers, respectively, the number of offenses for which waivers were granted and the associated amount of assessments that were waived; and

(3) a report for the period July 1, 2019 through December 31, 2019 containing, with respect to each schedule referenced in Sections 15-5 through 15-70 of this Act, the number of offenses for which assessments were collected; the number of offenses for which fines were collected and the amount collected; and how much was disbursed to each fund under the disbursement requirements for each schedule defined in Section 15-5.

(b) The Administrative Office of the Illinois Courts shall publish the reports submitted under this Section on its website.

(c) A list of offenses that qualify as drug offenses for Schedules 3 and 7 and a list of offenses that qualify as sex offenses for Schedules 4 and 8 shall be distributed to clerks of the circuit court by the Administrative Office of the Illinois Courts.

(705 ILCS 135/5-10)

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

(Section scheduled to be repealed on January 1, 2021)

Sec. 5-10. Schedules; payment.

(a) In each case, the court shall order an assessment at the time of sentencing, as set forth in this Act, for a defendant to pay in addition to any fine, restitution, or forfeiture ordered by the court when the defendant is convicted of, pleads guilty to, or is placed on court supervision for a violation of a statute of this State or a similar local ordinance. The court may order a fine, restitution, or forfeiture on any violation that is being sentenced but shall order only one assessment from the Schedule of Assessments 1 through 13 of this Act for all sentenced violations in a case, that being the schedule applicable to the highest classified offense violation that is being sentenced, plus any conditional assessments under Section 15-70 of this Act applicable to any sentenced violation in the case.

(b) If the court finds that the schedule of assessments will cause an undue burden on any victim in a case or if the court orders community service or some other punishment in place of the applicable schedule of assessments, the court may reduce the amount set forth in the applicable schedule of assessments or not order the applicable schedule of assessments. If the court reduces the amount set forth in the applicable schedule of assessments, then all recipients of the funds collected will receive a prorated amount to reflect the reduction.

(c) The court may order the assessments to be paid forthwith or within a specified period of time or in installments.

(c-3) Excluding any ordered conditional assessment, if the assessment is not paid within the period of probation, conditional discharge, or supervision to which the defendant was originally sentenced, the court may extend the period of probation, conditional discharge, or supervision under Section 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as applicable, until the assessment is paid or until successful completion of public or community service set forth in subsection (b) of Section 5-20 of this Act or the successful completion of the substance abuse intervention or treatment program set forth in subsection (c-5) of this Section.

(c-5) Excluding any ordered conditional assessment, the court may suspend the collection of the assessment; provided, the defendant agrees to enter a substance abuse intervention or treatment program approved by the court; and further provided that the defendant agrees to pay for all or some portion of the costs associated with the intervention or treatment program. In this case, the collection of the assessment shall be suspended during the defendant's participation in the approved intervention or treatment program. Upon successful completion of the program, the defendant may apply to the court to reduce the assessment imposed under this Section by any amount actually paid by the defendant for his or her participation in the program. The court shall not reduce the assessment under this subsection unless the defendant establishes to the satisfaction of the court that he or she has successfully completed the intervention or treatment program. If the defendant's participation is for any reason terminated before his or her successful completion of the intervention or treatment program, collection of the entire assessment imposed under this Act shall be enforced. Nothing in this Section shall be deemed to affect or suspend any other fines, restitution costs, forfeitures, or assessments imposed under this or any other Act.

(d) Except as provided in Section 5-15 of this Act, the defendant shall pay to the clerk of the court and the clerk shall remit the assessment to the appropriate entity as set forth in the ordered schedule of assessments within one month of its receipt.

(e) Unless a court ordered payment schedule is implemented or the assessment requirements of this Act are waived under a court order, the clerk of the circuit court may add to any unpaid assessments under this Act a delinquency amount equal to 5% of the unpaid assessments that remain unpaid after 30 days, 10% of the unpaid assessments that remain unpaid after 60 days, and 15% of the unpaid assessments that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be deposited into the Circuit Clerk Operations and Administration Fund and used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid assessments.

(Source: P.A. 100-987, eff. 7-1-19.)

(705 ILCS 135/10-5)

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

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-5. Funds.

(a) All money collected by the Clerk of the Circuit Court under Article 15 of this Act shall be remitted as directed in Article 15 of this Act to the county treasurer, to the State Treasurer, and to the treasurers of the units of local government. If an amount payable to any of the treasurers is less than $10, the clerk may postpone remitting the money until $10 has accrued or by the end of fiscal year. The treasurers shall deposit the money as indicated in the schedules, except, in a county with a population of over 3,000,000, money monies remitted to the county treasurer shall be subject to appropriation by the county board. Any amount retained by the Clerk of the Circuit Court in a county with population of over 3,000,000 shall be subject to appropriation by the county board.

(b) The county treasurer or the treasurer of the unit of local government may create the funds indicated in paragraphs (1) through (5), (9), and (16) of subsection (d) of this Section, if not already in existence. If a county or unit of local government has not instituted, and does not plan to institute a program that uses a particular fund, the treasurer need not create the fund and may instead deposit the money intended for the fund into the general fund of the county or unit of local government for use in financing the court system.

(c) If the arresting agency is a State agency, the arresting agency portion shall be remitted by the clerk of court to the State Treasurer who shall deposit the portion as follows:

(1) if the arresting agency is the Department of State Police, into the State Police Law Enforcement Administration Fund;

(2) if the arresting agency is the Department of Natural Resources, into the Conservation Police Operations Assistance Fund;

(3) if the arresting agency is the Secretary of State, into the Secretary of State Police Services Fund; and

(4) if the arresting agency is the Illinois Commerce Commission, into the Public Utility

Fund.

(d) Fund descriptions and provisions:

(1) The Court Automation Fund is to defray the expense, borne by the county, of establishing and maintaining automated record keeping systems in the Office of the Clerk of the Circuit Court. The money shall be remitted monthly by the clerk to the county treasurer and identified as funds for the Circuit Court Clerk. The fund shall be audited by the county auditor, and the board shall make expenditures from the fund in payment of any costs related to the automation of court records including hardware, software, research and development costs, and personnel costs related to the foregoing, provided that the expenditure is approved by the clerk of the court and by the chief judge of the circuit court or his or her designee.

(2) The Document Storage Fund is to defray the expense, borne by the county, of establishing and maintaining a document storage system and converting the records of the circuit court clerk to electronic or micrographic storage. The money shall be remitted monthly by the clerk to the county treasurer and identified as funds for the circuit court clerk. The fund shall be audited by the county auditor, and the board shall make expenditure from the fund in payment of any cost related to the storage of court records, including hardware, software, research and development costs, and personnel costs related to the foregoing, provided that the expenditure is approved by the clerk of the court.

(3) The Circuit Clerk Operations and Administration Fund may be used ~~is~~ to defray the expenses incurred for collection and disbursement of the various assessment schedules. The money shall be remitted monthly by the clerk to the county treasurer and identified as funds for the circuit court clerk.

(4) The State's Attorney Records Automation Fund is to defray the expense of establishing and maintaining automated record keeping systems in the offices of the State's Attorney. The money shall be remitted monthly by the clerk to the county treasurer for deposit into the State's Attorney Records Automation Fund. Expenditures from this fund may be made by the State's Attorney for hardware, software, and research and development related to automated record keeping systems.

(5) The Public Defender Records Automation Fund is to defray the expense of establishing and maintaining automated record keeping systems in the offices of the Public Defender. The money shall be remitted monthly by the clerk to the county treasurer for deposit into the Public Defender Records Automation Fund. Expenditures from this fund may be made by the Public Defender for hardware, software, and research and development related to automated record keeping systems.

(6) The DUI Fund shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of the Illinois Vehicle Code, including, but not limited to, the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol-related ~~alcohol related~~ crime, including, but not limited to, DUI training; and police officer salaries, including, but not limited to, salaries for hire-back ~~hire back~~ funding for safety checkpoints, saturation patrols, and liquor store sting operations. Any moneys ~~received by the Department of State Police shall be deposited into the State Police Operations Assistance Fund and those moneys and moneys in the State Police DUI Fund~~ shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol-related ~~alcohol related~~ criminal violence throughout the State. The money shall be remitted monthly by the clerk to the State or local treasurer for deposit as provided by law.

(7) The Trauma Center Fund shall be distributed as provided under Section 3.225 of the Emergency Medical Services (EMS) Systems Act.

(8) The Probation and Court Services Fund is to be expended as described in Section 15.1 of the Probation and Probation Officers Act.

(9) The Circuit Court Clerk Electronic Citation Fund shall have the Circuit Court Clerk as the custodian, ex officio, of the Fund and shall be used to perform the duties required by the office for establishing and maintaining electronic citations. The Fund shall be audited by the county's auditor.

(10) The Drug Treatment Fund is a special fund in the State treasury. Moneys in the Fund shall be expended as provided in Section 411.2 of the Illinois Controlled Substances Act.

(11) The Violent Crime Victims Assistance Fund is a special fund in the State treasury to provide moneys for the grants to be awarded under the Violent Crime Victims Assistance Act.

(12) The Criminal Justice Information Projects Fund shall be appropriated to and administered by the Illinois Criminal Justice Information Authority for distribution to fund Department of State Police drug task forces and Metropolitan Enforcement Groups, for the costs associated with making grants from the Prescription Pill and Drug Disposal Fund, for undertaking criminal justice

information projects, and for the operating and other expenses of the Authority incidental to those criminal justice information projects. The moneys deposited into the Criminal Justice Information Projects Fund under Sections 15-15 and 15-35 of this Act shall be appropriated to and administered by the Illinois Criminal Justice Information Authority for distribution to fund Department of State Police drug task forces and Metropolitan Enforcement Groups by dividing the funds equally by the total number of Department of State Police drug task forces and Illinois Metropolitan Enforcement Groups.

(13) The Sexual Assault Services Fund shall be appropriated to the Department of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall make grants of these moneys to sexual assault organizations with whom the Department has contracts for the purpose of providing community-based services to victims of sexual assault. Grants are in addition to, and are not substitutes for, other grants authorized and made by the Department.

(14) The County Jail Medical Costs Fund is to help defray the costs outlined in Section 17 of the County Jail Act. Moneys in the Fund shall be used solely for reimbursement to the county of costs for medical expenses and administration of the Fund.

(15) The Prisoner Review Board Vehicle and Equipment Fund is a special fund in the State treasury. The Prisoner Review Board shall, subject to appropriation by the General Assembly and approval by the Secretary, use all moneys in the Prisoner Review Board Vehicle and Equipment Fund for the purchase and operation of vehicles and equipment.

(16) In each county in which a Children's Advocacy Center provides services, a Child Advocacy Center Fund is ~~,~~ specifically for the operation and administration of the Children's Advocacy Center, from which the county board shall make grants to support the activities and services of the Children's Advocacy Center within that county.

(Source: P.A. 100-987, eff. 7-1-19; revised 10-4-18.)

(705 ILCS 135/15-30)

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

(Section scheduled to be repealed on January 1, 2021)

Sec. 15-30. SCHEDULE 6; misdemeanor DUI offenses.

SCHEDULE 6: For a misdemeanor under Section 11-501 of the Illinois Vehicle Code, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision of a local ordinance, the Clerk of the Circuit Court shall collect $1,381 and remit as follows:

(1) As the county's portion, $322 to the county treasurer, who shall deposit the money as follows:

(A) $20 into the Court Automation Fund;

(B) $20 into the Court Document Storage Fund;

(C) $5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) $8 into the Circuit Court Clerk Electronic Citation Fund;

(E) $225 into the county's General Fund;

(F) $10 into the Child Advocacy Center Fund;

(G) $2 into the State's Attorney Records Automation Fund;

(H) $2 into the Public Defenders Records Automation Fund;

(I) $10 into the County Jail Medical Costs Fund; and

(J) $20 into the Probation and Court Services Fund.

(2) As the State's portion, $707 to the State Treasurer, who shall deposit the money as follows:

(A) $330 into the State Police Operations Assistance Fund;

(B) $5 into the Drivers Education Fund;

(C) $5 into the State Police Merit Board Public Safety Fund;

(D) $100 into the Trauma Center Fund;

(E) $5 into the Spinal Cord Injury Paralysis Cure Research Trust Fund;

(F) $22 into the Fire Prevention Fund;

(G) $160 into the Traffic and Criminal Conviction Surcharge Fund;

(H) $5 into the Law Enforcement Camera Grant Fund; and

(I) $75 into the Violent Crime Victims Assistance Fund.

(3) As the arresting agency's portion, $352 as follows, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:

(A) if the arresting agency is a local agency, to the treasurer of the unit of local government of the arresting agency, who shall deposit the money as follows:

(i) $2 into the E-citation Fund of the unit of local government; and

(ii) $350 into the DUI Fund of the unit of local government; or

(B) as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is

a State agency.

(Source: P.A. 100-987, eff. 7-1-19.)

(705 ILCS 135/15-50)

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

(Section scheduled to be repealed on January 1, 2021)

Sec. 15-50. SCHEDULE 10; minor traffic offenses.

SCHEDULE 10: For a minor traffic offense, except those offenses listed in Schedule 10.5, the Clerk of the Circuit Court shall collect $226 plus, if applicable, the amount established under paragraph (1.5) of this Section and remit as follows:

(1) As the county's portion, $168 to the county treasurer, who shall deposit the money as follows:

(A) $20 into the Court Automation Fund;

(B) $20 into the Court Document Storage Fund;

(C) $5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) $8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) $115 into the county's General Fund.

(1.5) In a county with a population of 3,000,000 or more, the county board may by ordinance or resolution establish an additional assessment not to exceed $28 to be remitted to the county treasurer of which $5 shall be deposited into the Court Automation Fund, $5 shall be deposited into the Court Document Storage Fund, $2 shall be deposited into the State's Attorneys Records Automation Fund, $2 shall be deposited into the Public Defenders Records Automation Fund, $10 shall be deposited into the Probation and Court Services Fund, and the remainder shall be used for purposes related to the operation of the court system.

(2) As the State's portion, $46 to the State Treasurer, who shall deposit the money as follows:

(A) $10 into the State Police Operations Assistance Fund;

(B) $5 into the State Police Merit Board Public Safety Fund;

(C) $4 into the Drivers Education Fund;

(D) $20 into the Traffic and Criminal Conviction Surcharge Fund;

(E) $4 into the Law Enforcement Camera Grant Fund; and

(F) $3 into the Violent Crime Victims Assistance Fund.

(3) As the arresting agency's portion, $12, to the treasurer of the unit of local government of the arresting agency, who shall deposit the money as follows:

(A) $2 into the E-citation Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.

(B) $10 into the General Fund of that unit of local government or as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally.

(Source: P.A. 100-987, eff. 7-1-19.)

(705 ILCS 135/15-52)

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

(Section scheduled to be repealed on January 1, 2021)

Sec. 15-52. SCHEDULE 10.5; truck weight and load offenses.

SCHEDULE 10.5: For offenses ~~an offense~~ under ~~paragraph (1), (2), or (3) of~~ subsection (d) of Section 3-401 , ~~or~~ Section 15-111 , or punishable by fine under Section 15-113.1, 15-113.2, or 15-113.3 of the Illinois Vehicle Code, the Clerk of the Circuit Court shall collect $260 and remit as follows:

(1) As the county's portion, $168 to the county treasurer, who shall deposit the money as follows:

(A) $20 into the Court Automation Fund;

(B) $20 into the Court Document Storage Fund;

(C) $5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) $8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) $115 into the county's General Fund.

(2) As the State's portion, $92 to the State Treasurer, who shall deposit the money as follows:

(A) $31 into the State Police Merit Board Public Safety Fund, regardless of the type of overweight citation or arresting law enforcement agency;

(B) $31 into the Traffic and Criminal Conviction Surcharge Fund; and

(C) $30 to the State Police Operations Assistance Fund.

(Source: P.A. 100-987, eff. 7-1-19.)

(705 ILCS 135/15-60)

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

(Section scheduled to be repealed on January 1, 2021)

Sec. 15-60. SCHEDULE 12; dispositions under Supreme Court Rule 529.

SCHEDULE 12: For a disposition under paragraph (a)(1) or (c) of Supreme Court Rule 529, the Clerk of the Circuit Court shall collect $164 and remit the money as follows:

(1) As the county's portion, $100, to the county treasurer, who shall deposit the money as follows:

(A) $20 into the Court Automation Fund;

(B) $20 into the Court Document Storage Fund;

(C) $5 into the Circuit Court Clerk Operation and Administrative Fund;

(D) $8 into the Circuit Court Clerk Electronic Citation Fund; and

(E) $47 into the county's General Fund.

(2) As the State's portion, $14 to the State Treasurer, who shall deposit the money as follows:

(A) $3 into the Drivers Education Fund;

(B) $2 into the State Police Merit Board Public Safety Fund;

(C) $4 into the Traffic and Criminal Conviction Surcharge Fund;

(D) $1 into the Law Enforcement Camera Grant Fund; and

(E) $4 into the Violent Crime Victims Assistance Fund.

(3) As the arresting agency's portion, $50 as follows, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:

(A) if the arresting agency is a local agency to the treasurer of the unit of local government of the arresting agency, who shall deposit the money as follows:

(i) $2 into the E-citation Fund of the unit of local government; and

(ii) $48 into the General Fund of the unit of local government; or

(B) as provided in subsection (c) of Section 10-5 of this Act if the arresting agency is a State agency.

(Source: P.A. 100-987, eff. 7-1-19.)

(705 ILCS 135/15-70)

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

(Section scheduled to be repealed on January 1, 2021)

Sec. 15-70. Conditional assessments. In addition to payments under one of the Schedule of Assessments 1 through 13 of this Act, the court shall also order payment of any of the following conditional assessment amounts for each sentenced violation in the case to which a conditional assessment is applicable, which shall be collected and remitted by the Clerk of the Circuit Court as provided in this Section:

(1) arson, residential arson, or aggravated arson, $500 per conviction to the State Treasurer for deposit into the Fire Prevention Fund;

(2) child pornography under Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, $500 per conviction, unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:

(A) if the arresting agency is an agency of a unit of local government, $500 to the treasurer of the unit of local government for deposit into the unit of local government's General Fund, except that if the Department of State Police provides digital or electronic forensic examination assistance, or both, to the arresting agency then $100 to the State Treasurer for deposit into the State Crime Laboratory Fund; or

(B) if the arresting agency is the Department of State Police, $500 ~~remitted~~ to the State Treasurer for deposit into the State Crime Laboratory Fund;

(3) crime laboratory drug analysis for a drug-related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, $100 reimbursement for laboratory analysis, as set forth in subsection (f) of Section 5-9-1.4 of the Unified Code of Corrections;

(4) DNA analysis, $250 on each conviction in which it was used to the State Treasurer for deposit into the State Offender DNA Identification System Fund as set forth in Section 5-4-3 of the Unified Code of Corrections;

(5) DUI analysis, $150 on each sentenced violation in which it was used as set forth in subsection (f) of Section 5-9-1.9 of the Unified Code of Corrections;

(6) drug-related offense involving possession or delivery of cannabis or possession or

delivery of a controlled substance, other than methamphetamine, as defined in the Cannabis Control Act or the Illinois Controlled Substances Act, an amount not less than the full street value of the cannabis or controlled substance seized for each conviction to be disbursed as follows:

(A) 12.5% of the street value assessment shall be paid into the Youth Drug Abuse Prevention Fund, to be used by the Department of Human Services for the funding of programs and services for drug-abuse treatment, and prevention and education services;

(B) 37.5% to the county in which the charge was prosecuted, to be deposited into the county General Fund;

(C) 50% to the treasurer of the arresting law enforcement agency of the municipality or county, or to the State Treasurer if the arresting agency was a state agency;

(D) if the arrest was made in combination with multiple law enforcement agencies, the clerk shall equitably allocate the portion in subparagraph (C) of this paragraph (6) among the law enforcement agencies involved in the arrest;

(6.5) Kane County or Will County, in felony, misdemeanor, local or county ordinance, traffic, or conservation cases, up to $30 as set by the county board under Section 5-1101.3 of the Counties Code upon the entry of a judgment of conviction, an order of supervision, or a sentence of probation without entry of judgment 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 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, or Section 10 of the Steroid Control Act; except in local or county ordinance, traffic, and conservation cases, if fines are paid in full without a court appearance, then the assessment shall not be imposed or collected. Distribution of assessments collected under this paragraph (6.5) shall be as provided in Section 5-1101.3 of the Counties Code;

(7) methamphetamine-related offense involving possession or delivery of methamphetamine or any salt of an optical isomer of methamphetamine or possession of a methamphetamine manufacturing material as set forth in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to manufacture a substance containing methamphetamine or salt of an optical isomer of methamphetamine, an amount not less than the full street value of the methamphetamine or salt of an optical isomer of methamphetamine or methamphetamine manufacturing materials seized for each conviction to be disbursed as follows:

(A) 12.5% of the street value assessment shall be paid into the Youth Drug Abuse Prevention Fund, to be used by the Department of Human Services for the funding of programs and services for drug-abuse treatment, and prevention and education services;

(B) 37.5% to the county in which the charge was prosecuted, to be deposited into the county General Fund;

(C) 50% to the treasurer of the arresting law enforcement agency of the municipality or county, or to the State Treasurer if the arresting agency was a state agency;

(D) if the arrest was made in combination with multiple law enforcement agencies, the clerk shall equitably allocate the portion in subparagraph (C) of this paragraph (6) among the law enforcement agencies involved in the arrest;

(8) order of protection violation under Section 12-3.4 of the Criminal Code of 2012, $200 for each conviction to the county treasurer for deposit into the Probation and Court Services Fund for implementation of a domestic violence surveillance program and any other assessments or fees imposed under Section 5-9-1.16 of the Unified Code of Corrections;

(9) order of protection violation, $25 for each violation to the State Treasurer, for deposit into the Domestic Violence Abuser Services Fund;

(10) prosecution by the State's Attorney of a:

(A) petty or business offense, $4 to the county treasurer of which $2 deposited into the State's Attorney Records Automation Fund and $2 into the Public Defender Records Automation Fund;

(B) conservation or traffic offense, $2 to the county treasurer for deposit into the State's Attorney Records Automation Fund;

(11) speeding in a construction zone violation, $250 to the State Treasurer for deposit into the Transportation Safety Highway Hire-back Fund, unless (i) the violation occurred on a highway other than an interstate highway and (ii) a county police officer wrote the ticket for the violation, in which case to the county treasurer for deposit into that county's Transportation Safety Highway Hire-back Fund;

(12) supervision disposition on an offense under the Illinois Vehicle Code or similar

provision of a local ordinance, 50 cents, unless waived by the court, into the Prisoner Review Board Vehicle and Equipment Fund;

(13) victim and offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 and offender pleads guilty or no contest to or is convicted of murder, voluntary manslaughter, involuntary manslaughter, burglary, residential burglary, criminal trespass to residence, criminal trespass to vehicle, criminal trespass to land, criminal damage to property, telephone harassment, kidnapping, aggravated kidnaping, unlawful restraint, forcible detention, child abduction, indecent solicitation of a child, sexual relations between siblings, exploitation of a child, child pornography, assault, aggravated assault, battery, aggravated battery, heinous battery, aggravated battery of a child, domestic battery, reckless conduct, intimidation, criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, violation of an order of protection, disorderly conduct, endangering the life or health of a child, child abandonment, contributing to dependency or neglect of child, or cruelty to children and others, $200 for each sentenced violation to the State Treasurer for deposit as follows: (i) for sexual assault, as defined in Section 5-9-1.7 of the Unified Code of Corrections, when the offender and victim are family members, one-half to the Domestic Violence Shelter and Service Fund, and one-half to the Sexual Assault Services Fund; (ii) for the remaining offenses to the Domestic Violence Shelter and Service Fund;

(14) violation of Section 11-501 of the Illinois Vehicle Code, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, $1,000 maximum to the public agency that provided an emergency response related to the person's violation, and if more than one agency responded, the amount payable to public agencies shall be shared equally;

(15) violation of Section 401, 407, or 407.2 of the Illinois Controlled Substances Act that proximately caused any incident resulting in an appropriate drug-related emergency response, $1,000 as reimbursement for the emergency response to the law enforcement agency that made the arrest, and if more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally;

(16) violation of reckless driving, aggravated reckless driving, or driving 26 miles per hour or more in excess of the speed limit that triggered an emergency response, $1,000 maximum reimbursement for the emergency response to be distributed in its entirety to a public agency that provided an emergency response related to the person's violation, and if more than one agency responded, the amount payable to public agencies shall be shared equally;

(17) violation based upon each plea of guilty, stipulation of facts, or finding of guilt resulting in a judgment of conviction or order of supervision for an offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of the Criminal Code of 2012 that results in the imposition of a fine, to be distributed as follows:

(A) $50 to the county treasurer for deposit into the Circuit Court Clerk Operation and Administrative Fund to cover the costs in administering this paragraph (17);

(B) $300 to the State Treasurer who shall deposit the portion as follows:

(i) if the arresting or investigating agency is the Department of State Police, into the State Police Law Enforcement Administration ~~Operations Assistance~~ Fund;

(ii) if the arresting or investigating agency is the Department of Natural Resources, into the Conservation Police Operations Assistance Fund;

(iii) if the arresting or investigating agency is the Secretary of State, into the Secretary of State Police Services Fund;

(iv) if the arresting or investigating agency is the Illinois Commerce Commission, into the Public Utility Fund; or

(v) if more than one of the State agencies in this subparagraph (B) is the arresting or investigating agency, then equal shares with the shares deposited as provided in the applicable items (i) through (iv) of this subparagraph (B); and

(C) the remainder for deposit into the Specialized Services for Survivors of Human Trafficking Fund; and

(18) weapons violation under Section 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the Criminal Code of 2012, $100 for each conviction to the State Treasurer for deposit into the Trauma Center Fund.

(Source: P.A. 100-987, eff. 7-1-19.)

Section 20. The Unified Code of Corrections is amended by changing Sections 5-4.5-50, 5-4.5-55, 5-4.5-60, 5-4.5-65, 5-4.5-75, 5-4.5-80, and 5-9-1.9 as follows:

(730 ILCS 5/5-4.5-50)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except as otherwise provided, for all felonies:

(a) NO SUPERVISION. The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may not defer further proceedings and the imposition of a sentence and may not enter an order for supervision of the defendant.

(b) FELONY FINES. An offender may be sentenced to pay a fine not to exceed, for each offense, $25,000 or the amount specified in the offense, whichever is greater, or if the offender is a corporation, $50,000 or the amount specified in the offense, whichever is greater. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment.

(c) REASONS FOR SENTENCE STATED. The sentencing judge in each felony conviction shall set forth his or her reasons for imposing the particular sentence entered in the case, as provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such factors, as well as any other mitigating or aggravating factors that the judge sets forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(d) MOTION TO REDUCE SENTENCE. A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed with the circuit court clerk within 30 days following the imposition of sentence. A motion not filed within that 30-day period is not timely. The court may not increase a sentence once it is imposed. A notice of motion must be filed with the motion. The notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

If a motion filed pursuant to this subsection is timely filed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide the motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed, then for purposes of perfecting an appeal, a final judgment is not considered to have been entered until the motion to reduce the sentence has been decided by order entered by the trial court.

(e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR OTHER-STATE SENTENCE. A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his or her sentence by the Illinois court ordered to be concurrent with the prior other-state or federal sentence. The court may order that any time served on the unexpired portion of the other-state or federal sentence, prior to his or her return to Illinois, shall be credited on his or her Illinois sentence. The appropriate official of the other state or the United States shall be furnished with a copy of the order imposing sentence, which shall provide that, when the offender is released from other-state or federal confinement, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing Illinois county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of the sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois circuit court, may apply to the Illinois circuit court that imposed sentence to have his or her sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his or her Illinois sentence. The application for reduction of a sentence under this subsection shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(g) NO REQUIRED BIRTH CONTROL. A court may not impose a sentence or disposition that requires the defendant to be implanted or injected with or to use any form of birth control.
(Source: P.A. 95-1052, eff. 7-1-09.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except as otherwise provided, for all felonies:

(a) NO SUPERVISION. The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may not defer further proceedings and the imposition of a sentence and may not enter an order for supervision of the defendant.

(b) FELONY FINES. Unless otherwise specified by law, the minimum fine is $75 ~~$25~~. An offender may be sentenced to pay a fine not to exceed, for each offense, $25,000 or the amount specified in the offense, whichever is greater, or if the offender is a corporation, $50,000 or the amount specified in the offense, whichever is greater. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.

(c) REASONS FOR SENTENCE STATED. The sentencing judge in each felony conviction shall set forth his or her reasons for imposing the particular sentence entered in the case, as provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such factors, as well as any other mitigating or aggravating factors that the judge sets forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(d) MOTION TO REDUCE SENTENCE. A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed with the circuit court clerk within 30 days following the imposition of sentence. A motion not filed within that 30-day period is not timely. The court may not increase a sentence once it is imposed. A notice of motion must be filed with the motion. The notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

If a motion filed pursuant to this subsection is timely filed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide the motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed, then for purposes of perfecting an appeal, a final judgment is not considered to have been entered until the motion to reduce the sentence has been decided by order entered by the trial court.

(e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR OTHER-STATE SENTENCE. A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his or her sentence by the Illinois court ordered to be concurrent with the prior other-state or federal sentence. The court may order that any time served on the unexpired portion of the other-state or federal sentence, prior to his or her return to Illinois, shall be credited on his or her Illinois sentence. The appropriate official of the other state or the United States shall be furnished with a copy of the order imposing sentence, which shall provide that, when the offender is released from other-state or federal confinement, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing Illinois county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of the sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois circuit court, may apply to the Illinois circuit court that imposed sentence to have his or her sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his or her Illinois sentence. The application for reduction of a sentence under this subsection shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(g) NO REQUIRED BIRTH CONTROL. A court may not impose a sentence or disposition that requires the defendant to be implanted or injected with or to use any form of birth control.
(Source: P.A. 100-987, eff. 7-1-19.)

(730 ILCS 5/5-4.5-55)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class A misdemeanor:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of less than one year.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of less than one year, except as otherwise provided in Section 5-5-3 or 5-7-1 (730 ILCS 5/5-5-3 or 5/5-7-1).

(c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. A fine not to exceed $2,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment.

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
(Source: P.A. 100-431, eff. 8-25-17.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class A misdemeanor:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of less than one year.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of less than one year, except as otherwise provided in Section 5-5-3 or 5-7-1 (730 ILCS 5/5-5-3 or 5/5-7-1).

(c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. Unless otherwise specified by law, the minimum fine is $75 ~~$25~~. A fine not to exceed $2,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
(Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19.)

(730 ILCS 5/5-4.5-60)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class B misdemeanor:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of not more than 6 months.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of up to 6 months or as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

(c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. A fine not to exceed $1,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment.

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
(Source: P.A. 100-431, eff. 8-25-17.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class B misdemeanor:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of not more than 6 months.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of up to 6 months or as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

(c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. Unless otherwise specified by law, the minimum fine is $75 ~~$25~~. A fine not to exceed $1,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
(Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19.)

(730 ILCS 5/5-4.5-65)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class C misdemeanor:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of not more than 30 days.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of up to 30 days or as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

(c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. A fine not to exceed $1,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment.

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.

(Source: P.A. 100-431, eff. 8-25-17.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class C misdemeanor:

(a) TERM. The sentence of imprisonment shall be a determinate sentence of not more than 30 days.

(b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of up to 30 days or as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

(c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS 5/5-8-1.2) concerning eligibility for the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or conditional discharge shall not exceed 2 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. Unless otherwise specified by law, the minimum fine is $75 ~~$25~~. A fine not to exceed $1,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed. A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for good behavior allowance.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.

(Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19.)

(730 ILCS 5/5-4.5-75)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as otherwise provided, for a petty offense:

(a) FINE. A defendant may be sentenced to pay a fine not to exceed $1,000 for each offense or the amount specified in the offense, whichever is less. A fine may be imposed in addition to a sentence of conditional discharge or probation. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment.

(b) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be sentenced to a period of probation or conditional discharge not to exceed 6 months. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(c) RESTITUTION. A defendant may be sentenced to make restitution to the victim under Section 5-5-6 (730 ILCS 5/5-5-6).

(d) SUPERVISION; ORDER. The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may defer further proceedings and the imposition of a sentence and may enter an order for supervision of the defendant. If the defendant is not barred from receiving an order for supervision under Section 5-6-1 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character, and condition of the offender, if the court is of the opinion that:

(1) the defendant is not likely to commit further crimes;

(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and

(3) in the best interests of justice, an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(e) SUPERVISION; PERIOD. When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of supervision, and shall defer further proceedings in the case until the conclusion of the period. The period of supervision shall be reasonable under all of the circumstances of the case, and except as otherwise provided, may not be longer than 2 years. The court shall specify the conditions of supervision as set forth in Section 5-6-3.1 (730 ILCS 5/5-6-3.1).
(Source: P.A. 95-1052, eff. 7-1-09.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as otherwise provided, for a petty offense:

(a) FINE. Unless otherwise specified by law, the minimum fine is $75 ~~$25~~. A defendant may be sentenced to pay a fine not to exceed $1,000 for each offense or the amount specified in the offense, whichever is less. A fine may be imposed in addition to a sentence of conditional discharge or probation. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.

(b) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be sentenced to a period of probation or conditional discharge not to exceed 6 months. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(c) RESTITUTION. A defendant may be sentenced to make restitution to the victim under Section 5-5-6 (730 ILCS 5/5-5-6).

(d) SUPERVISION; ORDER. The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may defer further proceedings and the imposition of a sentence and may enter an order for supervision of the defendant. If the defendant is not barred from receiving an order for supervision under Section 5-6-1 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character, and condition of the offender, if the court is of the opinion that:

(1) the defendant is not likely to commit further crimes;

(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and

(3) in the best interests of justice, an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(e) SUPERVISION; PERIOD. When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of supervision, and shall defer further proceedings in the case until the conclusion of the period. The period of supervision shall be reasonable under all of the circumstances of the case, and except as otherwise provided, may not be longer than 2 years. The court shall specify the conditions of supervision as set forth in Section 5-6-3.1 (730 ILCS 5/5-6-3.1).
(Source: P.A. 100-987, eff. 7-1-19.)

(730 ILCS 5/5-4.5-80)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as otherwise provided, for a business offense:

(a) FINE. A defendant may be sentenced to pay a fine not to exceed for each offense the amount specified in the statute defining that offense. A fine may be imposed in addition to a sentence of conditional discharge. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment.

(b) CONDITIONAL DISCHARGE. A defendant may be sentenced to a period of conditional discharge. The court shall specify the conditions of conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(c) RESTITUTION. A defendant may be sentenced to make restitution to the victim under Section 5-5-6 (730 ILCS 5/5-5-6).

(d) SUPERVISION; ORDER. The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may defer further proceedings and the imposition of a sentence and may enter an order for supervision of the defendant. If the defendant is not barred from receiving an order for supervision under Section 5-6-1 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character, and condition of the offender, if the court is of the opinion that:

(1) the defendant is not likely to commit further crimes;

(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and

(3) in the best interests of justice, an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(e) SUPERVISION; PERIOD. When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of supervision, and shall defer further proceedings in the case until the conclusion of the period. The period of supervision shall be reasonable under all of the circumstances of the case, and except as otherwise provided, may not be longer than 2 years. The court shall specify the conditions of supervision as set forth in Section 5-6-3.1 (730 ILCS 5/5-6-3.1).

(Source: P.A. 95-1052, eff. 7-1-09.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as otherwise provided, for a business offense:

(a) FINE. Unless otherwise specified by law, the minimum fine is $75 ~~$25~~. A defendant may be sentenced to pay a fine not to exceed for each offense the amount specified in the statute defining that offense. A fine may be imposed in addition to a sentence of conditional discharge. See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts and determination of amounts and payment. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine.

(b) CONDITIONAL DISCHARGE. A defendant may be sentenced to a period of conditional discharge. The court shall specify the conditions of conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(c) RESTITUTION. A defendant may be sentenced to make restitution to the victim under Section 5-5-6 (730 ILCS 5/5-5-6).

(d) SUPERVISION; ORDER. The court, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, may defer further proceedings and the imposition of a sentence and may enter an order for supervision of the defendant. If the defendant is not barred from receiving an order for supervision under Section 5-6-1 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character, and condition of the offender, if the court is of the opinion that:

(1) the defendant is not likely to commit further crimes;

(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and

(3) in the best interests of justice, an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(e) SUPERVISION; PERIOD. When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of supervision, and shall defer further proceedings in the case until the conclusion of the period. The period of supervision shall be reasonable under all of the circumstances

of the case, and except as otherwise provided, may not be longer than 2 years. The court shall specify the conditions of supervision as set forth in Section 5-6-3.1 (730 ILCS 5/5-6-3.1).
(Source: P.A. 100-987, eff. 7-1-19.)

(730 ILCS 5/5-9-1.9)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-9-1.9. DUI analysis fee.

(a) "Crime laboratory" means a not-for-profit laboratory substantially funded by a single unit or combination of units of local government or the State of Illinois that regularly employs at least one person engaged in the DUI analysis of blood, other bodily substance, and urine for criminal justice agencies in criminal matters and provides testimony with respect to such examinations.

"DUI analysis" means an analysis of blood, other bodily substance, or urine for purposes of determining whether a violation of Section 11-501 of the Illinois Vehicle Code has occurred.

(b) When a person has been adjudged guilty of an offense in violation of Section 11-501 of the Illinois Vehicle Code, in addition to any other disposition, penalty, or fine imposed, a crime laboratory DUI analysis fee of $150 for each offense for which the person was convicted shall be levied by the court for each case in which a laboratory analysis occurred. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(c) In addition to any other disposition made under the provisions of the Juvenile Court Act of 1987, any minor adjudicated delinquent for an offense which if committed by an adult would constitute a violation of Section 11-501 of the Illinois Vehicle Code shall be assessed a crime laboratory DUI analysis fee of $150 for each adjudication. Upon verified petition of the minor, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee. The parent, guardian, or legal custodian of the minor may pay some or all of the fee on the minor's behalf.

(d) All crime laboratory DUI analysis fees provided for by this Section shall be collected by the clerk of the court and forwarded to the appropriate crime laboratory DUI fund as provided in subsection (f).

(e) Crime laboratory funds shall be established as follows:

(1) A unit of local government that maintains a crime laboratory may establish a crime laboratory DUI fund within the office of the county or municipal treasurer.

(2) Any combination of units of local government that maintains a crime laboratory may establish a crime laboratory DUI fund within the office of the treasurer of the county where the crime laboratory is situated.

(3) The State Police DUI Fund is created as a special fund in the State Treasury.

(f) The analysis fee provided for in subsections (b) and (c) of this Section shall be forwarded to the office of the treasurer of the unit of local government that performed the analysis if that unit of local government has established a crime laboratory DUI fund, or to the State Treasurer for deposit into the State Police DUI Fund if the analysis was performed by a laboratory operated by the Department of State Police. If the analysis was performed by a crime laboratory funded by a combination of units of local government, the analysis fee shall be forwarded to the treasurer of the county where the crime laboratory is situated if a crime laboratory DUI fund has been established in that county. If the unit of local government or combination of units of local government has not established a crime laboratory DUI fund, then the analysis fee shall be forwarded to the State Treasurer for deposit into the State Police DUI Fund. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(g) Fees deposited into a crime laboratory DUI fund created under paragraphs (1) and (2) of subsection (e) of this Section shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of the crime laboratory. These uses may include, but are not limited to, the following:

(1) Costs incurred in providing analysis for DUI investigations conducted within this State.

(2) Purchase and maintenance of equipment for use in performing analyses.

(3) Continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(h) Fees deposited in the State Police DUI Fund created under paragraph (3) of subsection (e) of this Section shall be used by State crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made according to existing law and shall be designated for the exclusive use of State crime laboratories. These uses may include those enumerated in subsection (g) of this Section.
(Source: P.A. 99-697, eff. 7-29-16.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-9-1.9. DUI analysis fee.

(a) "Crime laboratory" means a not-for-profit laboratory substantially funded by a single unit or combination of units of local government or the State of Illinois that regularly employs at least one person engaged in the DUI analysis of blood, other bodily substance, and urine for criminal justice agencies in criminal matters and provides testimony with respect to such examinations.

"DUI analysis" means an analysis of blood, other bodily substance, or urine for purposes of determining whether a violation of Section 11-501 of the Illinois Vehicle Code has occurred.

(b) (Blank).

(c) In addition to any other disposition made under the provisions of the Juvenile Court Act of 1987, any minor adjudicated delinquent for an offense which if committed by an adult would constitute a violation of Section 11-501 of the Illinois Vehicle Code shall pay a crime laboratory DUI analysis assessment of $150 for each adjudication. Upon verified petition of the minor, the court may suspend payment of all or part of the assessment if it finds that the minor does not have the ability to pay the assessment. The parent, guardian, or legal custodian of the minor may pay some or all of the assessment on the minor's behalf.

(d) All crime laboratory DUI analysis assessments provided for by this Section shall be collected by the clerk of the court and forwarded to the appropriate crime laboratory DUI fund as provided in subsection (f).

(e) Crime laboratory funds shall be established as follows:

(1) A unit of local government that maintains a crime laboratory may establish a crime laboratory DUI fund within the office of the county or municipal treasurer.

(2) Any combination of units of local government that maintains a crime laboratory may establish a crime laboratory DUI fund within the office of the treasurer of the county where the crime laboratory is situated.

(3) The State Police DUI Fund is created as a special fund in the State Treasury.

(f) The analysis assessment provided for in subsection (c) of this Section shall be forwarded to the office of the treasurer of the unit of local government that performed the analysis if that unit of local government has established a crime laboratory DUI fund, or to the State Treasurer for deposit into the State Crime Laboratory ~~Police Operations Assistance~~ Fund if the analysis was performed by a laboratory operated by the Department of State Police. If the analysis was performed by a crime laboratory funded by a combination of units of local government, the analysis assessment shall be forwarded to the treasurer of the county where the crime laboratory is situated if a crime laboratory DUI fund has been established in that county. If the unit of local government or combination of units of local government has not established a crime laboratory DUI fund, then the analysis assessment shall be forwarded to the State Treasurer for deposit into the State Crime Laboratory ~~Police Operations Assistance~~ Fund.

(g) Moneys deposited into a crime laboratory DUI fund created under paragraphs (1) and (2) of subsection (e) of this Section shall be in addition to any allocations made pursuant to existing law and shall be designated for the exclusive use of the crime laboratory. These uses may include, but are not limited to, the following:

(1) Costs incurred in providing analysis for DUI investigations conducted within this State.

(2) Purchase and maintenance of equipment for use in performing analyses.

(3) Continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(h) Moneys deposited in the State Crime Laboratory ~~Police Operations Assistance~~ Fund shall be used by State crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made according to existing law and shall be designated for the exclusive use of State crime laboratories. These uses may include those enumerated in subsection (g) of this Section.

(Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19.)

Section 25. The Code of Civil Procedure is amended by changing Section 5-105 as follows:

(735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

Sec. 5-105. Waiver of court fees, costs, and charges.

(a) As used in this Section:

(1) "Fees, costs, and charges" means payments imposed on a party in connection with the prosecution or defense of a civil action, including, but not limited to: fees set forth in Section 27.1b of the Clerks of Courts Act; fees for service of process and other papers served either within or outside this State, including service by publication pursuant to Section 2-206 of this Code and publication of

necessary legal notices; motion fees; charges for participation in, or attendance at, any mandatory process or procedure including, but not limited to, conciliation, mediation, arbitration, counseling, evaluation, "Children First", "Focus on Children" or similar programs; fees for supplementary proceedings; charges for translation services; guardian ad litem fees; and all other processes and procedures deemed by the court to be necessary to commence, prosecute, defend, or enforce relief in a civil action.

(2) "Indigent person" means any person who meets one or more of the following criteria:

(i) He or she is receiving assistance under one or more of the following means-based ~~means based~~ governmental public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), General Assistance, Transitional Assistance, or State Children and Family Assistance.

(ii) His or her available personal income is 125% ~~200%~~ or less of the current poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are of a nature and value that the court determines that the applicant is able to pay the fees, costs, and charges.

(iii) He or she is, in the discretion of the court, unable to proceed in an action without payment of fees, costs, and charges and whose payment of those fees, costs, and charges would result in substantial hardship to the person or his or her family.

(iv) He or she is an indigent person pursuant to Section 5-105.5 of this Code.

(3) "Poverty level" means the current poverty level as established by the United States Department of Health and Human Services.

(b) On the application of any person, before or after the commencement of an action:

(1) If the court finds that the applicant is an indigent person, the court shall grant the applicant a full fees, costs, and charges waiver entitling him or her to sue or defend the action without payment of any of the fees, costs, and charges.

(2) If the court finds that the applicant satisfies any of the criteria contained in items (i), (ii), or (iii) of this subdivision (b)(2), the court shall grant the applicant a partial fees, costs, and charges waiver entitling him or her to sue or defend the action upon payment of the applicable percentage of the assessments, costs, and charges of the action, as follows:

(i) the court shall waive 75% of all fees, costs, and charges if the available income of the applicant is greater than 125% ~~200%~~ but does not exceed 150% ~~250%~~ of the poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of the fees, costs, and charges;

(ii) the court shall waive 50% of all fees, costs, and charges if the available income is greater than 150% ~~250%~~ but does not exceed 175% ~~300%~~ of the poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of the fees, costs, and charges; and

(iii) the court shall waive 25% of all fees, costs, and charges if the available income of the applicant is greater than 175% ~~300%~~ but does not exceed 200% ~~400%~~ of the current poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of the fees, costs, and charges.

(c) An application for waiver of court fees, costs, and charges shall be in writing and signed by the applicant, or, if the applicant is a minor or an incompetent adult, by another person having knowledge of the facts. The contents of the application for waiver of court fees, costs, and charges, and the procedure for the decision of the applications, shall be established by Supreme Court Rule. Factors to consider in evaluating an application shall include:

(1) the applicant's receipt of needs based governmental public benefits, including Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled (ADBD); Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP or "food stamps"); General Assistance; Transitional Assistance; or State Children and Family Assistance;

(2) the employment status of the applicant and amount of monthly income, if any;

(3) income received from the applicant's pension, Social Security benefits, unemployment benefits, and other sources;

(4) income received by the applicant from other household members;

(5) the applicant's monthly expenses, including rent, home mortgage, other mortgage,

utilities, food, medical, vehicle, childcare, debts, child support, and other expenses; and

(6) financial affidavits or other similar supporting documentation provided by the applicant showing that payment of the imposed fees, costs, and charges would result in substantial hardship to the applicant or the applicant's family.

(c-5) The court shall provide, through the office of the clerk of the court, the application for waiver of court fees, costs, and charges to any person seeking to sue or defend an action who indicates an inability to pay the fees, costs, and charges of the action. The clerk of the court shall post in a conspicuous place in the courthouse a notice no smaller than 8.5 x 11 inches, using no smaller than 30-point typeface printed in English and in Spanish, advising the public that they may ask the court for permission to sue or defend a civil action without payment of fees, costs, and charges. The notice shall be substantially as follows:

"If you are unable to pay the fees, costs, and charges of an action you may ask the court to allow you to proceed without paying them. Ask the clerk of the court for forms."

(d) (Blank).

(e) The clerk of the court shall not refuse to accept and file any complaint, appearance, or other paper presented by the applicant if accompanied by an application for waiver of court fees, costs, and charges, and those papers shall be considered filed on the date the application is presented. If the application is denied or a partial fees, costs, and charges waiver is granted, the order shall state a date certain by which the necessary fees, costs, and charges must be paid. For good cause shown, the court may allow an applicant who receives a partial fees, costs, and charges waiver to defer payment of fees, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order. The court may dismiss the claims or strike the defenses of any party failing to pay the fees, costs, and charges within the time and in the manner ordered by the court. A judicial ruling on an application for waiver of court assessments does not constitute a decision of a substantial issue in the case under Section 2-1001 of this Code.

(f) The order granting a full or partial fees, costs, and charges waiver shall expire after one year. Upon expiration of the waiver, or a reasonable period of time before expiration, the party whose fees, costs, and charges were waived may file another application for waiver and the court shall consider the application in accordance with the applicable Supreme Court Rule.

(f-5) If, before or at the time of final disposition of the case, the court obtains information, including information from the court file, suggesting that a person whose fees, costs, and charges were initially waived was not entitled to a full or partial waiver at the time of application, the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the initial waiver might be reconsidered. The court may require the applicant to provide reasonably available evidence, including financial information, to support his or her eligibility for the waiver, but the court shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subdivision ~~subdivisions~~ (b)(1) or (b)(2) of this Section. If the court finds that the person was not initially entitled to any waiver, the person shall pay all fees, costs, and charges relating to the civil action, including any previously waived ~~previously waived~~ fees, costs, and charges. The order may state terms of payment in accordance with subsection (e). The court shall not conduct a hearing under this subsection more often than once every 6 months.

(f-10) If, before or at the time of final disposition of the case, the court obtains information, including information from the court file, suggesting that a person who received a full or partial waiver has experienced a change in financial condition so that he or she is no longer eligible for that waiver, the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the waiver might be reconsidered. The court may require the person to provide reasonably available evidence, including financial information, to support his or her continued eligibility for the waiver, but shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subdivisions ~~subsections~~ (b)(1) and (b)(2) of this Section. If the court enters an order finding that the person is no longer entitled to a waiver, or is entitled to a partial waiver different than that which the person had previously received, the person shall pay the requisite fees, costs, and charges from the date of the order going forward. The order may state terms of payment in accordance with subsection (e) of this Section. The court shall not conduct a hearing under this subsection more often than once every 6 months.

(g) A court, in its discretion, may appoint counsel to represent an indigent person, and that counsel shall perform his or her duties without fees, charges, or reward.

(h) Nothing in this Section shall be construed to affect the right of a party to sue or defend an action in forma pauperis without the payment of fees, costs, charges, or the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court. Nothing

in this Section shall be construed to limit the authority of a court to order another party to the action to pay the fees, costs, and charges of the action.

(h-5) If a party is represented by a civil legal services provider or an attorney in a court-sponsored pro bono program as defined in Section 5-105.5 of this Code, the attorney representing that party shall file a certification with the court in accordance with Supreme Court Rule 298 and that party shall be allowed to sue or defend without payment of fees, costs, and charges without filing an application under this Section.

(h-10) If an attorney files an appearance on behalf of a person whose fees, costs, and charges were initially waived under this Section, the attorney must pay all fees, costs, and charges relating to the civil action, including any previously waived fees, costs, and charges, unless the attorney is either a civil legal services provider, representing his or her client as part of a court-sponsored pro bono program as defined in Section 5-105.1 of this Code, or appearing under a limited scope appearance in accordance with Supreme Court Rule 13(c)(6).

(i) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 100-987, eff. 7-1-19; revised 10-3-18.)

Section 95. 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 99. Effective date. This Act takes effect July 1, 2019.".

Under the rules, the foregoing **Senate Bill No. 1328**, with House Amendment No. 5, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1987

A bill for AN ACT concerning safety.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1987

Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1987

AMENDMENT NO. 1. Amend Senate Bill 1987 by replacing everything after the enacting clause with the following:

"Section 5. The State Police Act is amended by changing Section 45 as follows:

(20 ILCS 2610/45)

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

Sec. 45. Compliance with the Health Care Violence Prevention Act; training. The Department shall comply with the Health Care Violence Prevention Act and shall provide an appropriate level of training for its officers concerning the Health Care Violence Prevention Act.

(Source: P.A. 100-1051, eff. 1-1-19.)

Section 10. The Health Care Violence Prevention Act is amended by changing Section 30 as follows:

(210 ILCS 160/30)

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

Sec. 30. Medical care for committed persons.

(a) If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Corrections, a county, or a municipality, then the institution or facility shall:

(1) to the greatest extent practicable, notify the hospital or medical facility that is

treating the committed person prior to the committed person's visit and notify the hospital or medical facility of any significant medical, mental health, recent violent actions, or other safety concerns regarding the patient;

(2) to the greatest extent practicable, ensure the transferred committed person is accompanied by the most comprehensive medical records possible;

(3) provide at least one guard trained in custodial escort and custody of high-risk committed persons to accompany any committed person. The custodial agency shall attest to such training for custodial escort and custody of high-risk committed persons through: (A) the training of the Department of Corrections, ~~or~~ Department of Juvenile Justice , or Department of State Police; (B) law enforcement training that is substantially equivalent to the training of the Department of Corrections, ~~or~~ Department of Juvenile Justice , or Department of State Police; or (C) the training described in Section 35. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female prisoner who is in labor. In addition, restraint of a pregnant female prisoner in the custody of the Cook County shall comply with Section 3-15003.6 of the Counties Code. Additionally, restraints shall not be used on a committed person if medical personnel determine that the restraints would impede medical treatment; and

(4) ensure that only medical personnel, Department of Corrections, county, or municipality personnel, and visitors on the committed person's approved institutional visitors list may visit the committed person. Visitation by a person on the committed person's approved institutional visitors list shall be subject to the rules and procedures of the hospital or medical facility and the Department of Corrections, county, or municipality. In any situation in which a committed person is being visited:

(A) the name of the visitor must be listed per the facility's or institution's documentation;

(B) the visitor shall submit to the search of his or her person or any personal property under his or her control at any time; and

(C) the custodial agency may deny the committed person access to a telephone or limit the number of visitors the committed person may receive for purposes of safety.

If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Corrections, county, or municipality, then the custodial agency shall ensure that the committed person is wearing security restraints in accordance with the custodial agency's rules and procedures if the custodial agency determines that restraints are necessary for the following reasons: (i) to prevent physical harm to the committed person or another person; (ii) because the committed person has a history of disruptive behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or (iii) there is a well-founded belief that the committed person presents a substantial risk of flight. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female prisoner who is in labor. In addition, restraint of a pregnant female prisoner in the custody of the Cook County shall comply with Section 3-15003.6 of the Counties Code.

The hospital or medical facility may establish protocols for the receipt of committed persons in collaboration with the Department of Corrections, county, or municipality, specifically with regard to potentially violent persons.

(b) If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Juvenile Justice, then the institution or facility shall:

(1) to the greatest extent practicable, notify the hospital or medical facility that is treating the committed person prior to the committed person's visit, and notify the hospital or medical facility of any significant medical, mental health, recent violent actions, or other safety concerns regarding the patient;

(2) to the greatest extent practicable, ensure the transferred committed person is accompanied by the most comprehensive medical records possible;

(3) provide: (A) at least one guard trained in custodial escort and custody of high-risk committed persons to accompany any committed person. The custodial agency shall attest to such training for custodial escort and custody of high-risk committed persons through: (i) the training of the Department of Corrections, ~~or~~ Department of Juvenile Justice, or Department of State Police, (ii) law enforcement training that is substantially equivalent to the training of the Department of Corrections, ~~or~~ Department of Juvenile Justice, or Department of State Police, or (iii) the training described in Section 35; or (B) 2 guards to accompany the committed person at all times during the visit to the hospital or medical facility; and

(4) ensure that only medical personnel, Department of Juvenile Justice personnel, and

visitors on the committed person's approved institutional visitors list may visit the committed person. Visitation by a person on the committed person's approved institutional visitors list shall be subject to the rules and procedures of the hospital or medical facility and the Department of Juvenile Justice. In any situation in which a committed person is being visited:

(A) the name of the visitor must be listed per the facility's or institution's documentation;

(B) the visitor shall submit to the search of his or her person or any personal property under his or her control at any time; and

(C) the custodial agency may deny the committed person access to a telephone or limit the number of visitors the committed person may receive for purposes of safety.

If a committed person receives medical care and treatment at a place other than an institution or facility of the Department of Juvenile Justice, then the Department of Juvenile Justice shall ensure that the committed person is wearing security restraints on either his or her wrists or ankles in accordance with the rules and procedures of the Department of Juvenile Justice if the Department of Juvenile Justice determines that restraints are necessary for the following reasons: (i) to prevent physical harm to the committed person or another person; (ii) because the committed person has a history of disruptive behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or (iii) there is a well-founded belief that the committed person presents a substantial risk of flight. Any restraints used on a committed person under this paragraph shall be the least restrictive restraints necessary to prevent flight or physical harm to the committed person or another person. Restraints shall not be used on the committed person as provided in this paragraph if medical personnel determine that the restraints would impede medical treatment. Under no circumstances may leg irons or shackles or waist shackles be used on any pregnant female prisoner who is in labor. In addition, restraint of a pregnant female prisoner in the custody of the Cook County shall comply with Section 3-15003.6 of the Counties Code.

The hospital or medical facility may establish protocols for the receipt of committed persons in collaboration with the Department of Juvenile Justice, specifically with regard to persons recently exhibiting violence.

(Source: P.A. 100-1051, eff. 1-1-19.)

Section 95. 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 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1987**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2342

A bill for AN ACT concerning criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2342

Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2342

AMENDMENT NO. 1. Amend Senate Bill 2342 by replacing everything after the enacting clause with the following:

"Section 5. The Seizure and Forfeiture Reporting Act is amended by changing Section 20 as follows:

(5 ILCS 810/20)

Sec. 20. Applicability. This Act and the changes made to this Act by Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ only apply to property seized on and after July 1, 2018.
(Source: P.A. 100-699, eff. 8-3-18.)

Section 10. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.23 as follows:
(410 ILCS 620/3.23)

Sec. 3.23. Legend drug prohibition.

(a) In this Section:

"Legend drug" means a drug limited by the Federal Food, Drug and Cosmetic Act to being dispensed by or upon a medical practitioner's prescription because the drug is:

(1) habit forming;

(2) toxic or having potential for harm; or

(3) limited in use by the new drug application for the drug to use only under a medical practitioner's supervision.

"Medical practitioner" means any person licensed to practice medicine in all its branches in the State.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of possession of a legend drug, with or without consideration, whether or not there is an agency relationship.

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a legend drug, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container. "Manufacture" does not include:

(1) by an ultimate user, the preparation or compounding of a legend drug for his or her own use; or

(2) by a medical practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a legend drug:

(A) as an incident to his or her administering or dispensing of a legend drug in the course of his or her professional practice; or

(B) as an incident to lawful research, teaching, or chemical analysis and not for sale.

"Prescription" has the same meaning ascribed to it in Section 3 of the Pharmacy Practice Act.

(b) It is unlawful for any person to knowingly manufacture or deliver or possess with the intent to manufacture or deliver a legend drug of 6 or more pills, tablets, capsules, or caplets or 30 ml or more of a legend drug in liquid form who is not licensed by applicable law to prescribe or dispense legend drugs or is not an employee of the licensee operating in the normal course of business under the supervision of the licensee. Any person who violates this Section is guilty of a Class 3 felony, the fine for which shall not exceed $100,000. A person convicted of a second or subsequent violation of this Section is guilty of a Class 1 felony, the fine for which shall not exceed $250,000.

(c) The following are subject to forfeiture:

(1) (blank);

(2) all raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, distributing, dispensing, administering, or possessing any substance in violation of this Section;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of any substance manufactured, distributed, dispensed, or possessed in violation of this Section or property described in paragraph (2) of this subsection (c), but:

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the violation;

(B) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent; and

(C) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data that are used, or intended to be used, in violation of this Section;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Section, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any violation of this Section; and

(6) all real property, including any right, title, and interest, including, but not limited to, any leasehold interest or the beneficial interest in a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of this Section or that is the proceeds of any violation or act that constitutes a violation of this Section.

(d) Property subject to forfeiture under this Act may be seized under the Drug Asset Forfeiture Procedure Act. In the event of seizure, forfeiture proceedings shall be instituted under the Drug Asset Forfeiture Procedure Act.

(e) Forfeiture under this Act is subject to an 8th Amendment to the United States Constitution disproportionate penalties analysis as provided under Section 9.5 of the Drug Asset Forfeiture Procedure Act.

(f) With regard to possession of legend drug offenses only, a sum of currency with a value of less than $500 shall not be subject to forfeiture under this Act. For all other offenses under this Act, a sum of currency with a value of less than $100 shall not be subject to forfeiture under this Act. In seizures of currency in excess of these amounts, this Section shall not create an exemption for these amounts.

(f-5) For felony offenses involving possession of legend drug only, no property shall be subject to forfeiture under this Act because of the possession of less than 2 single unit doses of a legend drug. This exemption shall not apply in instances when the possessor, or another person at the direction of the possessor, is engaged in the destruction of any amount of a legend drug. The amount of a single unit dose shall be the State's burden to prove in its case in chief.

(g) If the Department suspends or revokes a registration, all legend drugs owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation rule becoming final, all substances are subject to seizure and forfeiture under the Drug Asset Forfeiture Procedure Act.

(h) (Blank).

(i) (Blank).

(j) Contraband, including legend drugs possessed without a prescription or other authorization under State or federal law, is not subject to forfeiture. No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to State law.

(k) The changes made to this Section by Public Act 100-512 ~~100-0512~~ and Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ only apply to property seized on and after July 1, 2018.
(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

Section 15. The Criminal Code of 2012 is amended by changing Sections 29B-0.5, 29B-1, 29B-2, 29B-5, 29B-7, 29B-10, 29B-12, 29B-13, 29B-14, 29B-17, 29B-21, 29B-22, 29B-26, 29B-27, 36-1.3, 36-1.4, 36-1.5, 36-2, 36-2.1, 36-2.5, and 36-10 as follows:

(720 ILCS 5/29B-0.5)

Sec. 29B-0.5. Definitions. In this Article:

"Conduct" or "conducts" includes, in addition to its ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction.

"Criminally derived property" means: (1) any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law; or (2) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law.

"Department" means the Department of State Police of this State or its successor agency.

"Director" means the Director of State Police or his or her designated agents.

"Financial institution" means any bank; savings ~~saving~~ and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union; mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer, or cashier of travelers checks, checks, or money orders; dealer in precious metals, stones, or jewels; broker or dealer in securities or commodities; investment banker; or investment company.

"Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition utilizing criminally derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument, use of safe deposit box, or any other payment, transfer or delivery by, through, or to a financial institution. "Financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree: (1) involves the movement of funds by wire or any other means; (2) involves one or more monetary instruments; or (3) the transfer of title to any real or personal property. The receipt by an attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Article.

"Form 4-64" means the Illinois State Police Notice/Inventory of Seized Property (Form 4-64).

"Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, federal, or foreign law.

"Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in a form that title passes upon delivery.

"Specified criminal activity" means any violation of Section 29D-15.1 and any violation of Article 29D of this Code.

"Transaction reporting requirement under State law" means any violation as defined under the Currency Reporting Act.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

Sec. 29B-1. Money laundering.

(a) A person commits the offense of money laundering:

(1) when, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, he or she conducts or attempts to conduct the financial transaction which in fact involves criminally derived property:

(A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or

(B) where he or she knows or reasonably should know that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or

(ii) to avoid a transaction reporting requirement under State law; or

(1.5) when he or she transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument:

(A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or

(B) knowing, or having reason to know, that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or

(ii) to avoid a transaction reporting requirement under State law; or

(2) when, with the intent to:

(A) promote the carrying on of a specified criminal activity as defined in this Article; or

(B) conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of a specified criminal activity as defined in this Article; or

(C) avoid a transaction reporting requirement under State law,

he or she conducts or attempts to conduct a financial transaction involving property he or she believes to be the proceeds of specified criminal activity or property used to conduct or facilitate specified criminal activity as defined in this Article.

(b) (Blank).

(c) Sentence.

(1) Laundering of criminally derived property of a value not exceeding $10,000 is a Class 3 felony;

(2) Laundering of criminally derived property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;

(3) Laundering of criminally derived property of a value exceeding $100,000 but not exceeding $500,000 is a Class 1 felony;

(4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony;

(5) Laundering of criminally derived property of a value exceeding $500,000 is a Class 1 non-probationable felony;

(6) In a prosecution under clause (a)(1.5)(B)(ii) of this Section, the sentences are as follows:

(A) Laundering of property of a value not exceeding $10,000 is a Class 3 felony;

(B) Laundering of property of a value exceeding $10,000 but not exceeding $100,000 is a Class 2 felony;

(C) Laundering of property of a value exceeding $100,000 but not exceeding $500,000 is a Class 1 felony;

(D) Laundering of property of a value exceeding $500,000 is a Class 1 non-probationable felony. ~~Substance Use Disorder Act.~~

(Source: P.A. 99-480, eff. 9-9-15; 100-512, eff. 7-1-18; 100-699, eff. 8-3-18; 100-759, eff. 1-1-19; revised 10-3-18.)

(720 ILCS 5/29B-2)

Sec. 29B-2. Evidence in money laundering prosecutions. In a prosecution under this Article, either party may introduce the following evidence pertaining to the issue of whether the property or proceeds were known to be some form of criminally derived property or from some form of unlawful activity:

(1) a financial transaction was conducted or structured or attempted in violation of the reporting requirements of any State or federal law;

(2) a financial transaction was conducted or attempted with the use of a false or fictitious name or a forged instrument;

(3) a falsely altered or completed written instrument or a written instrument that contains any materially false personal identifying information was made, used, offered, or presented, whether accepted or not, in connection with a financial transaction;

(4) a financial transaction was structured or attempted to be structured so as to falsely report the actual consideration or value of the transaction;

(5) a money transmitter, a person engaged in a trade or business, or any employee of a money transmitter or a person engaged in a trade or business, knows or reasonably should know that false personal identifying information has been presented and incorporates the false personal identifying information into any report or record;

(6) the criminally derived property is transported or possessed in a fashion inconsistent with the ordinary or usual means of transportation or possession of the property and where the property is discovered in the absence of any documentation or other indicia of legitimate origin or right to the property;

(7) a person pays or receives substantially less than face value for one or more monetary instruments; or

(8) a person engages in a transaction involving one or more monetary instruments, where the physical condition or form of the monetary instrument or instruments makes it apparent that they are not the product of bona fide business or financial transactions.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-5)

Sec. 29B-5. Property subject to forfeiture. The following are subject to forfeiture:

(1) any property, real or personal, constituting, derived from, or traceable to any proceeds the person obtained, directly or indirectly, as a result of a violation of this Article;

(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this Article;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraphs (1) and (2) of this Section, but:

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Article;

(B) no conveyance is subject to forfeiture under this Article by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(C) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all real property, including any right, title, and interest, including, but not limited to, any leasehold interest or the beneficial interest in a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation of this Article or that is the proceeds of any violation or act that constitutes a violation of this Article.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-7)

Sec. 29B-7. Safekeeping of seized property pending disposition.

(a) If property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by the Director;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(b) When property is forfeited under this Article, the Director shall sell all the property unless the property is required by law to be destroyed or is harmful to the public~~,~~ and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, under Section 29B-26 of this Article.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-10)

Sec. 29B-10. Notice to owner or interest holder.

(a) The first attempted service of notice shall be commenced within 28 days of the latter of filing of the verified claim or the receipt of the notice from the seizing agency by Form 4-64. A complaint for forfeiture or a notice of pending forfeiture shall be served on a claimant if the owner's or interest holder's name and current address are known, then by either: (1) personal service; or (2) mailing a copy of the notice by certified mail, return receipt requested, and first class mail to that address.

(b) If no signed return receipt is received by the State's Attorney within 28 days of mailing or no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by the parties, the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested, and first class mail to that address. If no signed return receipt is received by the State's Attorney within 28 days of the second mailing, or no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by the parties, the State's Attorney shall have 60 days to attempt to serve the notice by personal service, including substitute service by leaving a copy at the usual place of abode with some person of the family or a person residing there, of the age of 13 years or upwards. If, after 3 attempts at service in this manner, no service of the notice is accomplished, the notice shall be posted in a conspicuous manner at the address and service shall be made by the posting. The attempts at service and the posting~~,~~ if required, shall be documented by the person attempting service which shall be made part of a return of service returned to the State's Attorney. The State's Attorney may utilize any Sheriff or Deputy Sheriff, a peace officer, a private process server or investigator, or an employee, agent, or investigator of the State's Attorney's Office to attempt service without seeking leave of court.

(c) After the procedures listed are followed, service shall be effective on the owner or interest holder on the date of receipt by the State's Attorney of a return receipt, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever is first in time, or on the date of the last act performed by the State's Attorney in attempting personal service. For purposes of notice under

this Section, if a person has been arrested for the conduct giving rise to the forfeiture, the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address. If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded.

(d) If the owner's or interest holder's address is not known, and is not on record as provided in this Section, service by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred shall suffice for service requirements.

(e) Notice to any business entity, corporation, limited liability company, limited liability partnership, or partnership shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(f) Notice to a person whose address is not within the State shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(g) Notice to a person whose address is not within the United States shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt. If certified mail is not available in the foreign country where the person has an address, notice shall proceed by publication requirements under subsection (d) of this Section.

(h) Notice to a ~~A~~ person whom the State's Attorney reasonably should know is incarcerated within this State~~,~~ shall also include~~,~~ mailing a copy of the notice by certified mail, return receipt requested, and first class mail to the address of the detention facility with the inmate's name clearly marked on the envelope.

(i) After a claimant files a verified claim with the State's Attorney and provides an address at which the claimant will accept service, the complaint shall be served and notice shall be complete upon the mailing of the complaint to the claimant at the address the claimant provided via certified mail, return receipt requested, and first class mail. No return receipt need be received, or any other attempts at service need be made to comply with service and notice requirements under this Section. This certified mailing, return receipt requested, shall be proof of service of the complaint on the claimant. If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit as proof of service, providing details of the communication, which shall be accepted as proof of service by the court.

(j) If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded ~~, then~~ by mailing a copy of the notice by certified mail, return receipt requested, to that address.

(k) Notice served under this Article is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-12)

Sec. 29B-12. Non-judicial forfeiture. If non-real property that exceeds $20,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of this Article, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in Section 29B-13 of this Article within 28 days from receipt of notice of seizure from the seizing agency under Section 29B-8 of this Article. However, if non-real property that does not exceed $20,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(1) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then, within 28 days after the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with Section 29B-10 of this Article.

(2) The notice of pending forfeiture shall include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

(3)(A) Any person claiming an interest in property that is the subject of notice under

paragraph (1) of this Section, must, in order to preserve any rights or claims to the property, within 45 days after the effective date of notice as described in Section 29B-10 of this Article, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim shall set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the names and addresses of all other persons known to have an interest in the property;

(vi) the specific provision of law relied on in asserting the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the relief sought.

(B) If a claimant files the claim, then the State's Attorney shall institute judicial in rem forfeiture proceedings with the clerk of the court as described in Section 29B-13 of this Article within 28 days after receipt of the claim.

(4) If no claim is filed within the 28-day period as described in paragraph (3) of this Section, the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-13)

Sec. 29B-13. Judicial in rem procedures. If property seized under this Article is non-real property that exceeds $20,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim under paragraph (3) of Section 29B-12 of this Article, the following judicial in rem procedures shall apply:

(1) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then, within 28 days of the receipt of notice of seizure by the seizing agency or the filing of the claim, whichever is later, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture. If authorized by law, a forfeiture shall be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(2) A complaint of forfeiture shall include:

(A) a description of the property seized;

(B) the date and place of seizure of the property;

(C) the name and address of the law enforcement agency making the seizure; and

(D) the specific statutory and factual grounds for the seizure.

(3) The complaint shall be served upon the person from whom the property was seized and all persons known or reasonably believed by the State to claim an interest in the property, as provided in Section 29B-10 of this Article. The complaint shall be accompanied by the following written notice:

"This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the State seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back."

(4) Forfeiture proceedings under this Article shall be subject to the Code of Civil Procedure and the rules of evidence relating to civil actions shall apply to proceedings under this Article with the following exception. The parties shall be allowed to use, and the court shall receive and consider, all relevant hearsay evidence that relates to evidentiary foundation, chain of custody, business records, recordings, laboratory analysis, laboratory reports, and relevant hearsay related to the use of

technology in the investigation that resulted in the seizure of property that is subject to the forfeiture action.

(5) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. Upon motion of the State, the court shall first hold a hearing, in which a claimant shall establish by a preponderance of the evidence, that he or she has a lawful, legitimate ownership interest in the property and that it was obtained through a lawful source.

(6) The answer must be signed by the owner or interest holder under penalty of perjury and shall set forth:

(A) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(B) the address at which the claimant will accept mail;

(C) the nature and extent of the claimant's interest in the property;

(D) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;

(E) the names and addresses of all other persons known to have an interest in the property;

(F) all essential facts supporting each assertion;

(G) the precise relief sought; and

(H) in a forfeiture action involving currency or its equivalent, a claimant shall provide the State with notice of his or her intent to allege that the currency or its equivalent is not related to the alleged factual basis for the forfeiture, and why. ~~; and~~

The ~~(I) the~~ answer shall follow the rules under the Code of Civil Procedure.

(7) The answer shall be filed with the court within 45 days after service of the civil in rem complaint.

(8) The hearing shall be held within 60 days after filing of the answer unless continued for good cause.

(9) At the judicial in rem proceeding, in the State's case in chief, the State shall show by a preponderance of the evidence that the property is subject to forfeiture. If the State makes such a showing, the claimant shall have the burden of production to set forth evidence that the property is not related to the alleged factual basis of the forfeiture. After this production of evidence, the State shall maintain the burden of proof to overcome this assertion. A claimant shall provide the State notice of its intent to allege that the currency or its equivalent is not related to the alleged factual basis of the forfeiture and why. As to conveyances, at the judicial in rem proceeding, in its case in chief, the State shall show by a preponderance of the evidence: ~~, that~~

(A) that the property is subject to forfeiture; and

(B) at least one of the following:

(i) that the claimant was legally accountable for the conduct giving rise to the forfeiture;

(ii) that the claimant knew or reasonably should have known of the conduct giving rise to the forfeiture;

(iii) that the claimant knew or reasonably should have known that the conduct giving rise to the forfeiture was likely to occur;

(iv) that the claimant held the property for the benefit of, or as nominee for, any person whose conduct gave rise to its forfeiture;

(v) that if the claimant acquired the interest through any person engaging in any of the conduct described above or conduct giving rise to the forfeiture:

(a) the claimant did not acquire it as a bona fide purchaser for value; or

(b) the claimant acquired the interest under the circumstances that the claimant reasonably should have known the property was derived from, or used in, the conduct giving rise to the forfeiture; or

(vi) that the claimant is not the true owner of the property that is subject to forfeiture.

(10) If the State does not meet its burden to show that the property is subject to forfeiture, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the State. If the State does meet its burden to show that the property is subject to forfeiture, the court shall order all property forfeited to the State.

(11) A defendant convicted in any criminal proceeding is precluded from later denying

the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(12) On a motion by the parties, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a money laundering violation. Such a stay shall not be available pending an appeal. Property subject to forfeiture under this Article shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of the property unless the return or release is consented to by the State's Attorney.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-14)

Sec. 29B-14. Innocent owner hearing.

(a) After a complaint for forfeiture has been filed and all claimants have appeared and answered, a claimant may file a motion with the court for an innocent owner hearing prior to trial. This motion shall be made and supported by sworn affidavit and shall assert the following along with specific facts that support each assertion:

(1) that the claimant filing the motion is the true owner of the conveyance as interpreted by case law;

(2) that the claimant was not legally accountable for the conduct giving rise to the forfeiture or acquiesced in the conduct;

(3) that the claimant did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture;

(4) that the claimant did not know or did not have reason to know that the conduct giving rise to the forfeiture was likely to occur; and

(5) that the claimant did not hold the property for the benefit of, or as nominee for, any person whose conduct gave rise to its forfeiture, or if the claimant ~~owner or interest holder~~ acquired the interest through any person, the claimant acquired ~~owner or interest holder did not acquire~~ it as a bona fide purchaser for value or acquired the interest without knowledge of the seizure of the property for forfeiture.

(b) The claimant's motion shall include specific facts supporting these assertions.

(c) Upon this filing, a hearing may only be conducted after the parties have been given the opportunity to conduct limited discovery as to the ownership and control of the property, the claimant's knowledge, or any matter relevant to the issues raised or facts alleged in the claimant's motion. Discovery shall be limited to the People's requests in these areas but may proceed by any means allowed in the Code of Civil Procedure.

(1) After discovery is complete and the court has allowed for sufficient time to review and investigate the discovery responses, the court shall conduct a hearing. At the hearing, the fact that the conveyance is subject to forfeiture shall not be at issue. The court shall only hear evidence relating to the issue of innocent ownership.

(2) At the hearing on the motion, it shall be the burden of the claimant to prove each of the assertions listed in subsection (a) of this Section by a preponderance of the evidence.

(3) If a claimant meets his or her burden of proof, the court shall grant the motion and order the property returned to the claimant. If the claimant fails to meet his or her burden of proof, then the court shall deny the motion and the forfeiture case shall proceed according to the Code of Civil Procedure.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-17)

Sec. 29B-17. Exception for bona fide purchasers. No property shall be forfeited under this Article from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to effect ~~affect~~ transfer of property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court~~,~~ and shall be liable to the State for a penalty in the amount of the fair market value of the property.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-21)

Sec. 29B-21. Attorney's fees. Nothing in this Article applies to property that constitutes reasonable bona fide attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto if the property was paid before its seizure and ~~,~~ before the issuance of any seizure warrant or court order prohibiting transfer of the property and if the attorney, at

the time he or she received the property did not know that it was property subject to forfeiture under this Article.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-22)

Sec. 29B-22. Construction.

(a) It is the intent of the General Assembly that the forfeiture provisions of this Article be liberally construed so as to effect their remedial purpose. The forfeiture of property and other remedies under this Article shall be considered to be in addition to, and not exclusive of, any sentence or other remedy provided by law.

(b) The changes made to this Article by Public Act 100-512 ~~100-0512~~ and Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ are subject to Section 2 of the Statute on Statutes.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-26)

Sec. 29B-26. Distribution of proceeds. All moneys ~~monies~~ and the sale proceeds of all other property forfeited and seized under this Article shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies that conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws. If the prosecution is undertaken solely by the Attorney General, the portion provided under this subparagraph (i) shall be distributed to the Attorney General for use in the enforcement of laws.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution, and appeal of cases arising under laws. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

Moneys and the sale proceeds distributed to the Department of State Police under this Article shall be deposited in the Money Laundering Asset Recovery Fund created in the State treasury and shall be used by the Department of State Police for State law enforcement purposes. All moneys and sale proceeds of property forfeited and seized under this Article and distributed according to this Section may also be used to purchase opioid antagonists as defined in Section 5-23 of the Substance Use Disorder ~~Alcoholism and Other Drug Abuse and Dependency~~ Act.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/29B-27)

Sec. 29B-27. Applicability; savings clause.

(a) The changes made to this Article by Public Act 100-512 ~~100-0512~~ and Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ only apply to property seized on and after July 1, 2018.

(b) The changes made to this Article by Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ are subject to Section 4 of the Statute on Statutes.

(Source: P.A. 100-699, eff. 8-3-18.)

(720 ILCS 5/36-1.3)

Sec. 36-1.3. Safekeeping of seized property pending disposition.

(a) Property seized under this Article is deemed to be in the custody of the Director of State Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Article.

(b) If property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value~~,~~ and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director of State Police. Upon receiving notice of seizure, the Director of State Police may:

(1) place the property under seal;

(2) remove the property to a place designated by the Director of State Police;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the seizing agency.

(c) The seizing agency shall exercise ordinary care to protect the subject of the forfeiture from negligent loss, damage, or destruction.

(d) Property seized or forfeited under this Article is subject to reporting under the Seizure and Forfeiture Reporting Act.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(720 ILCS 5/36-1.4)

Sec. 36-1.4. Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under this Article shall, as soon as practicable but not later than 28 days after the seizure, notify the State's Attorney for the county in which an act or omission giving rise to the seizure occurred or in which the property was seized and the facts and circumstances giving rise to the seizure~~,~~ and shall provide the State's Attorney with the inventory of the property and its estimated value. The notice shall be by the delivery of Illinois State Police Notice/Inventory of Seized Property (Form 4-64). If the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding the vehicle.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(720 ILCS 5/36-1.5)

Sec. 36-1.5. Preliminary review.

(a) Within 14 days of the seizure, the State's Attorney of the county in which the seizure occurred shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.

(b) The rules of evidence shall not apply to any proceeding conducted under this Section.

(c) The court may conduct the review under subsection (a) of this Section simultaneously with a proceeding under Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.

(d) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subsection (a) of this ~~ths~~ Section.

(e) Upon making a finding of probable cause as required under this Section, the circuit court shall order the property subject to the provisions of the applicable forfeiture Act held until the conclusion of any forfeiture proceeding.

For seizures of conveyances, within 28 days of a finding of probable cause under subsection (a) of this Section, the registered owner or other claimant may file a motion in writing supported by sworn affidavits claiming that denial of the use of the conveyance during the pendency of the forfeiture proceedings creates a substantial hardship and alleges facts showing that the hardship was not due to his or her culpable negligence. The court shall consider the following factors in determining whether a substantial hardship has been proven:

(1) the nature of the claimed hardship;

(2) the availability of public transportation or other available means of transportation; and

(3) any available alternatives to alleviate the hardship other than the return of the seized conveyance.

If the court determines that a substantial hardship has been proven, the court shall then balance the nature of the hardship against the State's interest in safeguarding the conveyance. If the court determines that the hardship outweighs the State's interest in safeguarding the conveyance, the court may temporarily release the conveyance to the registered owner or the registered owner's authorized designee, or both, until the conclusion of the forfeiture proceedings or for such shorter period as ordered by the court provided that the person to whom the conveyance is released provides proof of insurance and a valid driver's license and all State and local registrations for operation of the conveyance are current. The court shall place conditions on the conveyance limiting its use to the stated hardship and providing transportation for

employment, religious purposes, medical needs, child care, and restricting the conveyance's use to only those individuals authorized to use the conveyance by the registered owner. The use of the vehicle shall be further restricted to exclude all recreational and entertainment purposes. The court may order additional restrictions it deems reasonable and just on its own motion or on motion of the People. The court shall revoke the order releasing the conveyance and order that the conveyance be reseized by law enforcement if the conditions of release are violated or if the conveyance is used in the commission of any offense identified in subsection (a) of Section 6-205 of the Illinois Vehicle Code.

If the court orders the release of the conveyance during the pendency of the forfeiture proceedings, the court may order the registered owner or his or her authorized designee to post a cash security with the clerk of the court as ordered by the court. If cash security is ordered, the court shall consider the following factors in determining the amount of the cash security:

(A) the full market value of the conveyance;

(B) the nature of the hardship;

(C) the extent and length of the usage of the conveyance;

(D) the ability of the owner or designee to pay; and

(E) other conditions as the court deems necessary to safeguard the conveyance.

If the conveyance is released, the court shall order that the registered owner or his or her designee safeguard the conveyance, not remove the conveyance from the jurisdiction, not conceal, destroy, or otherwise dispose of the conveyance, not encumber the conveyance, and not diminish the value of the conveyance in any way. The court shall also make a determination of the full market value of the conveyance prior to it being released based on a source or sources defined in 50 Ill. Adm. Code 919.80(c)(2)(A) or 919.80(c)(2)(B).

If the conveyance subject to forfeiture is released under this Section and is subsequently forfeited, the person to whom the conveyance was released shall return the conveyance to the law enforcement agency that seized the conveyance within 7 days from the date of the declaration of forfeiture or order of forfeiture. If the conveyance is not returned within 7 days, the cash security shall be forfeited in the same manner as the conveyance subject to forfeiture. If the cash security was less than the full market value, a judgment shall be entered against the parties to whom the conveyance was released and the registered owner, jointly and severally, for the difference between the full market value and the amount of the cash security. If the conveyance is returned in a condition other than the condition in which it was released, the cash security shall be returned to the surety who posted the security minus the amount of the diminished value, and that amount shall be forfeited in the same manner as the conveyance subject to forfeiture. Additionally, the court may enter an order allowing any law enforcement agency in the State of Illinois to seize the conveyance wherever it may be found in the State to satisfy the judgment if the cash security was less than the full market value of the conveyance.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(720 ILCS 5/36-2) (from Ch. 38, par. 36-2)

Sec. 36-2. Complaint for forfeiture.

(a) If the State's Attorney of the county in which such seizure occurs finds that the alleged violation of law giving rise to the seizure was incurred without willful negligence or without any intention on the part of the owner of the vessel or watercraft, vehicle, or aircraft or any person whose right, title, or interest is of record as described in Section 36-1 of this Article, to violate the law, or finds the existence of such mitigating circumstances as to justify remission of the forfeiture, he or she may cause the law enforcement agency having custody of the property to return the property to the owner within a reasonable time not to exceed 7 days. The State's Attorney shall exercise his or her discretion under this subsection (a) prior to or promptly after the preliminary review under Section 36-1.5.

(b) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture and the State's Attorney does not cause the forfeiture to be remitted under subsection (a) of this Section, he or she shall bring an action for forfeiture in the circuit court within whose jurisdiction the seizure and confiscation has taken place by filing a verified complaint for forfeiture in the circuit court within whose jurisdiction the seizure occurred, or within whose jurisdiction an act or omission giving rise to the seizure occurred, subject to Supreme Court Rule 187. The complaint shall be filed as soon as practicable but not later than 28 days after the State's Attorney receives notice from the seizing agency as provided under Section 36-1.4 of this Article. A complaint of forfeiture shall include:

(1) a description of the property seized;

(2) the date and place of seizure of the property;

(3) the name and address of the law enforcement agency making the seizure; and

(4) the specific statutory and factual grounds for the seizure.

The complaint shall be served upon each person whose right, title, or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation Agency, or any other department of this State, or any other state of the United States if the vessel or watercraft, vehicle, or aircraft is required to be so registered, as the case may be, the person from whom the property was seized, and all persons known or reasonably believed by the State to claim an interest in the property, as provided in this Article. The complaint shall be accompanied by the following written notice:

"This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the State seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back."

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

(Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(720 ILCS 5/36-2.1)

Sec. 36-2.1. Notice to owner or interest holder. The first attempted service of notice shall be commenced within 28 days of the receipt of the notice from the seizing agency by Form 4-64. If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded. A complaint for forfeiture shall be served upon the property owner or interest holder in the following manner:

(1) If the owner's or interest holder's name and current address are known, then by either:

(A) personal service; or

(B) mailing a copy of the notice by certified mail, return receipt requested, and first class mail to that address.

(i) If notice is sent by certified mail and no signed return receipt is received by the State's Attorney within 28 days of mailing, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested, and first class mail to that address.

(ii) If no signed return receipt is received by the State's Attorney within 28 days of the second attempt at service by certified mail, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, the State's Attorney shall have 60 days to attempt to serve the notice by personal service, which also includes substitute service by leaving a copy at the usual place of abode~~,~~ with some person of the family or a person residing there, of the age of 13 years or upwards. If, after 3 attempts at service in this manner, no service of the notice is accomplished, then the notice shall be posted in a conspicuous manner at this address and service shall be made by the posting.

The attempts at service and the posting, if required, shall be documented by the person attempting service and said documentation shall be made part of a return of service returned to the State's Attorney.

The State's Attorney may utilize a Sheriff or Deputy Sheriff, any peace officer, a private process server or investigator, or any employee, agent, or investigator of the State's Attorney's office to attempt service without seeking leave of court.

After the procedures are followed, service shall be effective on an owner or interest holder on the date of receipt by the State's Attorney of a return receipt, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever

is first in time, or on the date of the last act performed by the State's Attorney in attempting personal service under item (ii) of this paragraph (1). If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit providing details of the communication, which shall be accepted as sufficient proof of service by the court.

For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the complaint for forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address; or if the property seized is a conveyance, to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded.

(2) If the owner's or interest holder's address is not known, and is not on record, then notice shall be served by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred.

(3) Notice to any business entity, corporation, limited liability company, limited liability partnership, or partnership shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(4) Notice to a person whose address is not within the State shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(5) Notice to a person whose address is not within the United States shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice shall be complete regardless of the return of a signed return receipt. If certified mail is not available in the foreign country where the person has an address, then notice shall proceed by publication under paragraph (2) of this Section.

(6) Notice to any person whom the State's Attorney reasonably should know is incarcerated within the State shall also include ~~the~~ mailing a copy of the notice by certified mail, return receipt requested, and first class mail to the address of the detention facility with the inmate's name clearly marked on the envelope.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(720 ILCS 5/36-2.5)

Sec. 36-2.5. Judicial in rem procedures.

(a) The laws of evidence relating to civil actions shall apply to judicial in rem proceedings under this Article.

(b) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. A person not named in the forfeiture complaint who claims to have an interest in the property may petition to intervene as a claimant under Section 2-408 of the Code of Civil Procedure.

(c) The answer shall be filed with the court within 45 days after service of the civil in rem complaint.

(d) The trial shall be held within 60 days after filing of the answer unless continued for good cause.

(e) In its case in chief, the State shall show by a preponderance of the evidence that:

(1) the property is subject to forfeiture; and

(2) at least one of the following:

(i) the claimant knew or should have known that the conduct was likely to occur; or

(ii) the claimant is not the true owner of the property that is subject to forfeiture.

In any forfeiture case under this Article, a claimant may present evidence to overcome evidence presented by the State that the property is subject to forfeiture.

(f) Notwithstanding any other provision of this Section, the State's burden of proof at the trial of the forfeiture action shall be by clear and convincing evidence if:

(1) a finding of not guilty is entered as to all counts and all defendants in a criminal proceeding relating to the conduct giving rise to the forfeiture action; or

(2) the State receives an adverse finding at a preliminary hearing and fails to secure an indictment in a criminal proceeding related to the factual allegations of the forfeiture action.

(g) If the State does not meet its burden of proof, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property in which the State does meet its burden of

proof forfeited to the State. If the State does meet its burden of proof, the court shall order all property forfeited to the State.

(h) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(i) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this Act; however, for good cause shown, on a motion by either party, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a violation of law authorizing forfeiture under Section 36-1 of this Article.

(j) Title to all property declared forfeited under this Act vests in this State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Except as otherwise provided in this Article, any property or proceeds subsequently transferred to any person remain subject to forfeiture unless a person to whom the property was transferred makes an appropriate claim under or has the claim adjudicated at the judicial in rem hearing.

(k) No property shall be forfeited under this Article from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to transfer property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court~~,~~ and shall be liable to the State for a penalty in the amount of the fair market value of the property.

(l) A civil action under this Article shall be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(m) If property is ordered forfeited under this Article from a claimant who held title to the property in joint tenancy or tenancy in common with another claimant, the court shall determine the amount of each owner's interest in the property according to principles of property law.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(720 ILCS 5/36-10)

Sec. 36-10. Applicability; savings clause.

(a) The changes made to this Article by Public Act 100-512 ~~100-0512~~ and Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ only apply to property seized on and after July 1, 2018.

(b) The changes made to this Article by Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ are subject to Section 4 of the Statute on Statutes.

(Source: P.A. 100-699, eff. 8-3-18.)

Section 20. The Cannabis Control Act is amended by changing Section 12 as follows:

(720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

Sec. 12. Forfeiture.

(a) The following are subject to forfeiture:

(1) (blank);

(2) all raw materials, products, and equipment of any kind which are produced, delivered, or possessed in connection with any substance containing cannabis in a felony violation of this Act;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of any substance containing cannabis or property described in paragraph (2) of this subsection (a) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the violation;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials

including formulas, microfilm, tapes, and data which are used, or intended for use, in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act;

(6) all real property, including any right, title, and interest including, but not limited to, any leasehold interest or the beneficial interest in a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended to be used to facilitate the manufacture, distribution, sale, receipt, or concealment of a substance containing cannabis or property described in paragraph (2) of this subsection (a) that constitutes a felony violation of this Act involving more than 2,000 grams of a substance containing cannabis or that is the proceeds of any felony violation of this Act.

(b) Property subject to forfeiture under this Act may be seized under the Drug Asset Forfeiture Procedure Act. In the event of seizure, forfeiture proceedings shall be instituted under the Drug Asset Forfeiture Procedure Act.

(c) Forfeiture under this Act is subject to an 8th Amendment to the United States Constitution disproportionate penalties analysis as provided under Section 9.5 of the Drug Asset Forfeiture Procedure Act.

(c-1) With regard to possession of cannabis offenses only, a sum of currency with a value of less than $500 shall not be subject to forfeiture under this Act. For all other offenses under this Act, a sum of currency with a value of less than $100 shall not be subject to forfeiture under this Act. In seizures of currency in excess of these amounts, this Section shall not create an exemption for these amounts.

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) Contraband, including cannabis possessed without authorization under State or federal law, is not subject to forfeiture. No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to State law.

(i) The changes made to this Section by Public Act 100-512 ~~100-0512~~ and Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ only apply to property seized on and after July 1, 2018.

(j) The changes made to this Section by Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ are subject to Section 4 of the Statute on Statutes.

(Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

Section 25. The Illinois Controlled Substances Act is amended by changing Section 505 as follows:

(720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

Sec. 505. (a) The following are subject to forfeiture:

(1) (blank);

(2) all raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, distributing, dispensing, administering or possessing any substance in violation of this Act;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of substances manufactured, distributed, dispensed, or possessed in violation of this Act, or property described in paragraph (2) of this subsection (a), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials

including formulas, microfilm, tapes, and data which are used, or intended to be used, in violation of this Act;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any violation of this Act;

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of Section 401 or 405 of this Act or that is the proceeds of any violation or act that constitutes a violation of Section 401 or 405 of this Act.

(b) Property subject to forfeiture under this Act may be seized under the Drug Asset Forfeiture Procedure Act. In the event of seizure, forfeiture proceedings shall be instituted under the Drug Asset Forfeiture Procedure Act.

(c) Forfeiture under this Act is subject to an 8th Amendment to the United States Constitution disproportionate penalties analysis as provided under Section 9.5 of the Drug Asset Forfeiture Procedure Act.

(d) With regard to possession of controlled substances offenses only, a sum of currency with a value of less than $500 shall not be subject to forfeiture under this Act. For all other offenses under this Act, a sum of currency with a value of less than $100 shall not be subject to forfeiture under this Act. In seizures of currency in excess of these amounts, this Section shall not create an exemption for these amounts.

(d-5) For felony offenses involving possession of controlled substances only, no property shall be subject to forfeiture under this Act because of the possession of less than 2 single unit doses of a controlled substance. This exemption shall not apply in instances when the possessor, or another person at the direction of the possessor, engaged in the destruction of any amount of a controlled substance. The amount of a single unit dose shall be the State's burden to prove in its case in chief.

(e) If the Department of Financial and Professional Regulation suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the Director. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a suspension or revocation order becoming final, all substances are subject to seizure and forfeiture under the Drug Asset Forfeiture Procedure Act.

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) Contraband, including controlled substances possessed without authorization under State or federal law, is not subject to forfeiture. No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to State law.

(j) The changes made to this Section by Public Act 100-512 ~~100-0512~~ and Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ only apply to property seized on and after July 1, 2018.

(k) The changes made to this Section by Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ are subject to Section 4 of the Statute on Statutes.

(Source: P.A. 99-686, eff. 7-29-16; 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

Section 30. The Drug Asset Forfeiture Procedure Act is amended by changing Sections 3.3, 4, 6, 9, and 13.4 as follows:

(725 ILCS 150/3.3)

Sec. 3.3. Safekeeping of seized property pending disposition.

(a) Property seized under this Act is deemed to be in the custody of the Director of State Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Act.

(b) If property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value~~,~~ and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director of State Police. Upon receiving notice of seizure, the Director of State Police may:

(1) place the property under seal;

(2) remove the property to a place designated by the seizing agency;

(3) keep the property in the possession of the Director of State Police;

(4) remove the property to a storage area for safekeeping;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the seizing agency.

(c) The seizing agency is required to exercise ordinary care to protect the seized property from negligent loss, damage, or destruction.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(725 ILCS 150/4) (from Ch. 56 1/2, par. 1674)

Sec. 4. Notice to owner or interest holder. The first attempted service of notice shall be commenced within 28 days of the filing of the verified claim or the receipt of the notice from the seizing agency by Illinois State Police Notice/Inventory of Seized Property (Form 4-64), whichever occurs sooner. A complaint for forfeiture or a notice of pending forfeiture shall be served upon the property owner or interest holder in the following manner:

(1) If the owner's or interest holder's name and current address are known, then by either:

(A) personal service; or

(B) mailing a copy of the notice by certified mail, return receipt requested, and first class mail to that address.

(i) If notice is sent by certified mail and no signed return receipt is received by the State's Attorney within 28 days of mailing, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, then the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested, and first class mail to that address.

(ii) If no signed return receipt is received by the State's Attorney within 28 days of the second attempt at service by certified mail, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, then the State's Attorney shall have 60 days to attempt to serve the notice by personal service, which also includes substitute service by leaving a copy at the usual place of abode, with some person of the family or a person residing there, of the age of 13 years or upwards. If, after 3 attempts at service in this manner, no service of the notice is accomplished, then the notice shall be posted in a conspicuous manner at this address and service shall be made by posting.

The attempts at service and the posting, if required, shall be documented by the person attempting service and said documentation shall be made part of a return of service returned to the State's Attorney.

The State's Attorney may utilize any Sheriff or Deputy Sheriff, any peace officer, a private process server or investigator, or any employee, agent, or investigator of the State's Attorney's Office to attempt service without seeking leave of court.

After the procedures set forth are followed, service shall be effective on an owner or interest holder on the date of receipt by the State's Attorney of a return receipt, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever is first in time, or on the date of the last act performed by the State's Attorney in attempting personal service under subparagraph (ii) above. If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit providing details of the communication, which may be accepted as sufficient proof of service by the court.

After a claimant files a verified claim with the State's Attorney and provides an address at which the claimant will accept service, the complaint shall be served and notice shall be perfected upon mailing of the complaint to the claimant at the address the claimant provided via certified mail, return receipt requested, and first class mail. No return receipt need be received, or any other attempts at service need be made to comply with service and notice requirements under this Act. This certified mailing, return receipt requested, shall be proof of service of the complaint on the claimant.

For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, then the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the

owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address; or if the property seized is a conveyance, to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded.

(2) If the owner's or interest holder's address is not known, and is not on record, then notice shall be served by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred.

(3) After a claimant files a verified claim with the State's Attorney and provides an address at which the claimant will accept service, the complaint shall be served and notice shall be perfected upon mailing of the complaint to the claimant at the address the claimant provided via certified mail, return receipt requested, and first class mail. No return receipt need be received or any other attempts at service need be made to comply with service and notice requirements under this Act. This certified mailing, return receipt requested, shall be proof of service of the complaint on the claimant.

(4) Notice to any business entity, corporation, limited liability company, limited liability partnership, or partnership shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(5) Notice to a person whose address is not within the State shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(6) Notice to a person whose address is not within the United States shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice shall be complete regardless of the return of a signed return receipt. If certified mail is not available in the foreign country where the person has an address, then notice shall proceed by publication under paragraph (2) of this Section.

(7) Notice to any person whom the State's Attorney reasonably should know is incarcerated within the State shall also include the mailing a copy of the notice by certified mail, return receipt requested, and first class mail to the address of the detention facility with the inmate's name clearly marked on the envelope.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

Sec. 6. Non-judicial forfeiture. If non-real property that exceeds $150,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in Section 9 of this Act within 28 days from receipt of notice of seizure from the seizing agency under Section 5 of this Act. However, if non-real property that does not exceed $150,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(A) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then, within 28 days of the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with Section 4 of this Act.

(B) The notice of pending forfeiture must include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

(C)(1) Any person claiming an interest in property which is the subject of notice under subsection (A) of this Section may, within 45 days after the effective date of notice as described in Section 4 of this Act, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the names and addresses of all other persons known to have an interest in the property;

(vi) the specific provision of law relied on in asserting the property is not subject to forfeiture;

(vii) all essential facts supporting each assertion; and

(viii) the relief sought.

(2) If a claimant files the claim then the State's Attorney shall institute judicial in rem forfeiture proceedings within 28 days after receipt of the claim.

(D) If no claim is filed within the 45-day ~~45 day~~ period as described in subsection (C) of this Section, the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of the Illinois Department of State Police of the declaration of forfeiture and the Director shall dispose of the property in accordance with law.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(725 ILCS 150/9) (from Ch. 56 1/2, par. 1679)

Sec. 9. Judicial in rem procedures. If property seized under the provisions of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is non-real property that exceeds $150,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim under subsection (C) of Section 6 of this Act, the following judicial in rem procedures shall apply:

(A) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture in the circuit court within whose jurisdiction the seizure occurred, or within whose jurisdiction an act or omission giving rise to the seizure occurred, subject to Supreme Court Rule 187. The complaint for forfeiture shall be filed as soon as practicable, but not later than 28 days after the filing of a verified claim by a claimant if the property was acted upon under a non-judicial forfeiture action, or 28 days after the State's Attorney receives notice from the seizing agency as provided under Section 5 of this Act, whichever occurs later. When authorized by law, a forfeiture must be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(A-5) If the State's Attorney finds that the alleged violation of law giving rise to the seizure was incurred without willful negligence or without any intention on the part of the owner of the property to violate the law or finds the existence of mitigating circumstances to justify remission of the forfeiture, the State's Attorney may cause the law enforcement agency having custody of the property to return the property to the owner within a reasonable time not to exceed 7 days. The State's Attorney shall exercise his or her discretion prior to or promptly after the preliminary review under Section 3.5 of this Act. Judicial in rem forfeiture proceedings under this Act shall be subject to the Code of Civil Procedure and the rules of evidence relating to civil actions.

(A-10) A complaint of forfeiture shall include:

(1) a description of the property seized;

(2) the date and place of seizure of the property;

(3) the name and address of the law enforcement agency making the seizure; and

(4) the specific statutory and factual grounds for the seizure.

The complaint shall be served upon the person from whom the property was seized and all persons known or reasonably believed by the State to claim an interest in the property, as provided in Section 4 of this Act. The complaint shall be accompanied by the following written notice:

"This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the state seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back.".

(B) The laws of evidence relating to civil actions shall apply to all other proceedings under this Act except that the parties shall be allowed to use, and the court must receive and consider, all relevant hearsay evidence that relates to evidentiary foundation, chain of custody, business records,

recordings, laboratory analysis, laboratory reports, and the use of technology in the investigation that resulted in the seizure of the property that is subject to the forfeiture action.

(C) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. A person not named in the forfeiture complaint who claims to have an interest in the property may petition to intervene as a claimant under Section 2-408 of the Code of Civil Procedure.

(D) The answer must be signed by the owner or interest holder under penalty of perjury and must set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant;

(ii) the address at which the claimant will accept mail;

(iii) the nature and extent of the claimant's interest in the property;

(iv) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the names and addresses of all other persons known to have an interest in the property;

(vi) the specific provisions of Section 8 of this Act relied on in asserting it is exempt from forfeiture, if applicable;

(vii) all essential facts supporting each assertion;

(viii) the precise relief sought; and

(ix) in a forfeiture action involving currency or its equivalent, a claimant shall provide the State with notice of the claimant's intent to allege that the currency or its equivalent is not related to the alleged factual basis for the forfeiture, and why.

(E) The answer must be filed with the court within 45 days after service of the civil in rem complaint.

(F) The trial shall be held within 60 days after filing of the answer unless continued for good cause.

(G) The State, in its case in chief, shall show by a preponderance of the evidence that the property is subject to forfeiture; and at least one of the following:

(i) In the case of personal property, including conveyances:

(a) that the claimant was legally accountable for the conduct giving rise to the forfeiture;

(b) that the claimant knew or reasonably should have known of the conduct giving rise to the forfeiture;

(c) that the claimant knew or reasonably should have known that the conduct giving rise to the forfeiture was likely to occur;

(d) that the claimant held the property for the benefit of, or as nominee for, any person whose conduct gave rise to its forfeiture;

(e) that if the claimant acquired the interest through any person engaging in any of the conduct described above or conduct giving rise to the forfeiture:

(1) the claimant did not acquire it as a bona fide purchaser for value, or

(2) the claimant acquired the interest under such circumstances that the claimant reasonably should have known the property was derived from, or used in, the conduct giving rise to the forfeiture;

(f) that the claimant is not the true owner of the property;

(g) that the claimant acquired the interest:

(1) before the commencement of the conduct giving rise to the forfeiture and the person whose conduct gave rise to the forfeiture did not have authority to convey the interest to a bona fide purchaser for value at the time of the conduct; or

(2) after the commencement of the conduct giving rise to the forfeiture and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lienholder, or bona fide purchaser for value without knowledge of the conduct that gave rise to the forfeiture, and without the knowledge of the seizure of the property for forfeiture.

(ii) In the case of real property:

(a) that the claimant was legally accountable for the conduct giving rise to the forfeiture;

(b) that the claimant solicited, conspired, or attempted to commit the conduct giving rise to the forfeiture; or

(c) that the claimant had acquired or stood to acquire substantial proceeds from the conduct giving rise to its forfeiture other than as an interest holder in an arm's length transaction;

(d) that the claimant is not the true owner of the property;

(e) that the claimant acquired the interest:

(1) before the commencement of the conduct giving rise to the forfeiture and the person whose conduct gave rise to the forfeiture did not have authority to convey the interest to a bona fide purchaser for value at the time of the conduct; or

(2) after the commencement of the conduct giving rise to the forfeiture and the owner or interest holder acquired the interest as a mortgagee, secured creditor, lienholder, or bona fide purchaser for value without knowledge of the conduct that gave rise to the forfeiture, and before the filing in the office of the recorder of deeds of the county in which the real estate is located a notice of seizure for forfeiture or a lis pendens notice.

(G-5) If the property that is the subject of the forfeiture proceeding is currency or its equivalent, the State, in its case in chief, shall show by a preponderance of the evidence that the property is subject to forfeiture. If the State makes that showing, the claimant shall have the burden of production to set forth evidence that the currency or its equivalent is not related to the alleged factual basis of the forfeiture. After the production of evidence, the State shall maintain the burden of proof to overcome this assertion.

(G-10) Notwithstanding any other provision of this Section, the State's burden of proof at the trial of the forfeiture action shall be by clear and convincing evidence if:

(1) a finding of not guilty is entered as to all counts and all defendants in a criminal proceeding relating to the conduct giving rise to the forfeiture action; or

(2) the State receives an adverse finding at a preliminary hearing and fails to secure an indictment in a criminal proceeding related to the factual allegations of the forfeiture action.

(H) If the State does not meet its burden of proof, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property as to which the State does meet its burden of proof forfeited to the State. If the State does meet its burden of proof, the court shall order all property forfeited to the State.

(I) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Act regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(J) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this Act; however, for good cause shown, on a motion by the State's Attorney, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act. Such a stay shall not be available pending an appeal. Property subject to forfeiture under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of such property unless such return or release is consented to by the State's Attorney.

(K) Title to all property declared forfeited under this Act vests in the State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Except as otherwise provided in this Act, any such property or proceeds subsequently transferred to any person remain subject to forfeiture unless a person to whom the property was transferred makes an appropriate claim under this Act and has the claim adjudicated in the judicial in rem proceeding.

(L) A civil action under this Act must be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(M) No property shall be forfeited under this Act from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to transfer property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court and shall be liable to the State for a penalty in the amount of the fair market value of the property.

(N) If property is ordered forfeited under this Act from a claimant who held title to

the property in joint tenancy or tenancy in common with another claimant, the court shall determine the amount of each owner's interest in the property according to principles of property law.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

(725 ILCS 150/13.4)

Sec. 13.4. Applicability; savings clause.

(a) The changes made to this Act by Public Act 100-512 ~~100-0512~~ and Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ only apply to property seized on and after July 1, 2018.

(b) The changes made to this Act by Public Act 100-699 ~~this amendatory Act of the 100th General Assembly~~ are subject to Section 4 of the Statute on Statutes.

(Source: P.A. 100-699, eff. 8-3-18.)

Section 35. The Illinois Streetgang Terrorism Omnibus Prevention Act is amended by changing Section 40 as follows:

(740 ILCS 147/40)

Sec. 40. Forfeiture.

(a) The following are subject to seizure and forfeiture:

(1) any property that is directly or indirectly used or intended for use in any manner to facilitate streetgang related activity; and

(2) any property constituting or derived from gross profits or other proceeds obtained from streetgang related activity.

(b) Property subject to forfeiture under this Section may be seized under the procedures set forth in ~~under~~ Section 36-2.1 of the Criminal Code of 2012, except that actual physical seizure of real property subject to forfeiture under this Act requires the issuance of a seizure warrant. Nothing in this Section prohibits the constructive seizure of real property through the filing of a complaint for forfeiture in circuit court and the recording of a lis pendens against the real property without a hearing, warrant application, or judicial approval.

(c) The State's Attorney may initiate forfeiture proceedings under the procedures in Article 36 of the Criminal Code of 2012. The State shall bear the burden of proving by a preponderance of the evidence that the property was acquired through a pattern of streetgang related activity.

(d) Property forfeited under this Section shall be disposed of in accordance with Section 36-7 of Article 36 of the Criminal Code of 2012 for the forfeiture of vehicles, vessels, and aircraft.

(e) Within 60 days of the date of the seizure of contraband under this Section, the State's Attorney shall initiate forfeiture proceedings as provided in Article 36 of the Criminal Code of 2012. An owner or person who has a lien on the property may establish as a defense to the forfeiture of property that is subject to forfeiture under this Section that the owner or lienholder had no knowledge that the property was acquired through a pattern of streetgang related activity. Property that is forfeited under this Section shall be disposed of as provided in Article 36 of the Criminal Code of 2012 for the forfeiture of vehicles, vessels, and aircraft. The proceeds of the disposition shall be paid to the Gang Violence Victims and Witnesses Fund to be used to assist in the prosecution of gang crimes.

(f) Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act.

(g) The changes made to this Section by Public Act 100-512 ~~100-0512~~ only apply to property seized on and after July 1, 2018.

(Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

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

Under the rules, the foregoing **Senate Bill No. 2342**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3051

A bill for AN ACT concerning regulation.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 3051

House Amendment No. 3 to SENATE BILL NO. 3051
Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 3051

AMENDMENT NO. 2. Amend Senate Bill 3051 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 9-210.6 as follows:
(220 ILCS 5/9-210.6 new)
Sec. 9-210.6. Continuation of Section 9-210.5 of this Act; validation.
(a) The General Assembly finds and declares that:
(1) Public Act 100-751, which took effect on August 10, 2018, contained provisions that would have changed the repeal date for Section 9-210.5 of this Act from June 1, 2018 to June 1, 2028.
(2) The Statute on Statutes sets forth general rules on the repeal of statutes and the construction of multiple amendments, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".
(3) This amendatory Act of the 100th General Assembly manifests the intention of the General Assembly to extend the repeal date for Section 9-210.5 of this Act and have Section 9-210.5 of this Act, as amended by Public Act 100-751, continue in effect until June 1, 2028.
(b) Any construction of this Act that results in the repeal of Section 9-210.5 of this Act on June 1, 2018 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of this Act.
(c) It is hereby declared to have been the intent of the General Assembly that Section 9-210.5 of this Act shall not be subject to repeal on June 1, 2018.
(d) Section 9-210.5 of this Act shall be deemed to have been in continuous effect since August 9, 2013 (the effective date of Public Act 98-213), and it shall continue to be in effect, as amended by Public Act 100-751, until it is otherwise lawfully amended or repealed. All previously enacted amendments to the Section taking effect on or after August 9, 2013, are hereby validated.
(e) In order to ensure the continuing effectiveness of Section 9-210.5 of this Act, that Section is set forth in full and reenacted by this amendatory Act of the 100th General Assembly. In this amendatory Act of the 100th General Assembly, the base text of the reenacted Section is set forth as amended by Public Act 100-751.
(f) All actions of the Commission or any other person or entity taken in reliance on or pursuant to Section 9-210.5 are hereby validated.
(g) Section 9-210.5 of this Act applies to all proceedings pending on or filed on or before the effective date of this amendatory Act of the 100th General Assembly.

Section 10. The Public Utilities Act is amended by reenacting Section 9-210.5 as follows:
(220 ILCS 5/9-210.5)
Sec. 9-210.5. Valuation of water and sewer utilities.
(a) In this Section:
"Disinterested" means that the person directly involved (1) is not a director, officer, or an employee of the large public utility or the water or sewer utility or its direct affiliates or subsidiaries for at least 12 months before becoming engaged under this Section; (2) shall not derive a material financial benefit from the sale of the water or sewer utility other than fees for services rendered, and (3) shall not have a member of the person's immediate family, including a spouse, parents or spouse's parents, children or spouses of children, or siblings and their spouses or children, be a director, officer, or employee of either the large public utility or water or sewer utility or the water or sewer utility or its direct affiliates or subsidiaries for at least 12 months before becoming engaged under this Section or receive a material financial benefit from the sale of the water or sewer utility other than fees for services rendered.
"District" means a service area of a large public utility whose customers are subject to the same rate tariff.
"Large public utility" means an investor-owned public utility that:
(1) is subject to regulation by the Illinois Commerce Commission under this Act;
(2) regularly provides water or sewer service to more than 30,000 customer

connections;

(3) provides safe and adequate service; and

(4) is not a water or sewer utility as defined in this subsection (a).

"Next rate case" means a large public utility's first general rate case after the date the large public utility acquires the water or sewer utility where the acquired water or sewer utility's cost of service is considered as part of determining the large public utility's resulting rates.

"Prior rate case" means a large public utility's general rate case resulting in the rates in effect for the large public utility at the time it acquires the water or sewer utility.

"Utility service source" means the water or sewer utility or large public utility from which the customer receives its utility service type.

"Utility service type" means water utility service or sewer utility service or water and sewer utility service.

"Water or sewer utility" means any of the following:

(1) a public utility that regularly provides water or sewer service to 6,000 or fewer customer connections;

(2) a water district, including, but not limited to, a public water district, water service district, or surface water protection district, or a sewer district of any kind established as a special district under the laws of this State that regularly provides water or sewer service;

(3) a waterworks system or sewerage system established under the Township Code that regularly provides water or sewer service; or

(4) a water system or sewer system owned by a municipality that regularly provides water or sewer service; and

(5) any other entity that is not a public utility that regularly provides water or sewer service.

(b) Notwithstanding any other provision of this Act, a large public utility that acquires a water or sewer utility may request that the Commission use, and, if so requested, the Commission shall use, the procedures set forth under this Section to establish the ratemaking rate base of that water or sewer utility at the time when it is acquired by the large public utility.

(c) If a large public utility elects the procedures under this Section to establish the rate base of a water or sewer utility that it is acquiring, then 3 appraisals shall be performed. The average of these 3 appraisals shall represent the fair market value of the water or sewer utility that is being acquired. The appraisals shall be performed by 3 appraisers approved by the Commission's Executive Director or designee and engaged by either the water or sewer utility being acquired or by the large public utility. Each appraiser shall be engaged on reasonable terms approved by the Commission. Each appraiser shall be a disinterested person licensed as a State certified general real estate appraiser under the Real Estate Appraiser Licensing Act of 2002.

Each appraiser shall:

(1) be sworn to determine the fair market value of the water or sewer utility by establishing the amount for which the water or sewer utility would be sold in a voluntary transaction between a willing buyer and willing seller under no obligation to buy or sell;

(2) determine fair market value in compliance with the Uniform Standards of Professional Appraisal Practice;

(3) engage one disinterested engineer who is licensed in this State, and who may be the same engineer that is engaged by the other appraisers, to prepare an assessment of the tangible assets of the water or sewer utility, which is to be incorporated into the appraisal under the cost approach;

(4) request from the manager of the Accounting Department, if the water or sewer utility is a public utility that is regulated by the Commission, a list of investments made by the water or sewer utility that had been disallowed previously and that shall be excluded from the calculation of the large public utility's rate base in its next rate case; and

(5) return their appraisal, in writing, to the water or sewer utility and large public utility in a reasonable and timely manner.

If the appraiser cannot engage an engineer, as described in paragraph (3) of this subsection (c), within 30 days after the appraiser is engaged, then the Commission's Executive Director or designee shall recommend the engineer the appraiser should engage. The Commission's Executive Director or designee shall provide his or her recommendation within 30 days after he or she is officially notified of the appraiser's failure to engage an engineer and the appraiser shall promptly work to engage the recommended engineer. If the appraiser is unable to negotiate reasonable engagement terms with the recommended engineer within 15 days after the recommendation by the Commission's Executive Director or designee,

then the appraiser shall notify the Commission's Executive Director or designee and the process shall be repeated until an engineer is successfully engaged.

(d) The lesser of (i) the purchase price or (ii) the fair market value determined under subsection (c) of this Section shall constitute the rate base associated with the water or sewer utility as acquired by and incorporated into the rate base of the district designated by the acquiring large public utility under this Section, subject to any adjustments that the Commission deems necessary to ensure such rate base reflects prudent and useful investments in the provision of public utility service. The reasonable transaction and closing costs incurred by the large public utility shall be treated consistent with the applicable accounting standards under this Act. The total amount of all of the appraisers' fees to be included in the transaction and closing costs shall not exceed the greater of $15,000 or 5% of the appraised value of the water or sewer utility being acquired. This rate base treatment shall not be deemed to violate this Act, including, but not limited to, any Sections in Articles VIII and IX of this Act that might be affected by this Section. Any acquisition of a water or sewer utility that affects the cumulative base rates of the large public utility's existing ratepayers in the tariff group into which the water or sewer utility is to be combined by less than (1) 2.5% at the time of the acquisition for any single acquisition completed under this Section or (2) 5% for all acquisitions completed under this Section before the Commission's final order in the next rate case shall not be deemed to violate Section 7-204 or any other provision of this Act.

In the Commission's order that approves the large public utility's acquisition of the water or sewer utility, the Commission shall issue its decision establishing (1) the ratemaking rate base of the water or sewer utility; (2) the district or tariff group with which the water or sewer utility shall be combined for ratemaking purposes, if such combination has been proposed by the large public utility; and (3) the rates to be charged to customers in the water or sewer utility.

(e) If the water or sewer utility being acquired is owned by the State or any political subdivision thereof, then the water or sewer utility must inform the public of the terms of its acquisition by the large public utility by (1) holding a public meeting prior to the acquisition and (2) causing to be published, in a newspaper of general circulation in the area that the water or sewer utility operates, a notice setting forth the terms of its acquisition by the large public utility and options that shall be available to assist customers to pay their bills after the acquisition.

(f) The large public utility may recommend the district or tariff group of which the water or sewer utility shall, for ratemaking purposes, become a part after the acquisition, or may recommend a lesser rate for the water or sewer utility. If the large public utility recommends a lesser rate, it shall submit to the Commission its proposed rate schedule and the proposed final tariff group for the acquired water or sewer utility. The Commission's approved district or tariff group or rates shall be consistent with the large public utility's recommendation, unless such recommendation can be shown to be contrary to the public interest.

(g) From the date of acquisition until the date that new rates are effective in the acquiring large public utility's next rate case, the customers of the acquired water or sewer utility shall pay the approved then-existing rates of the district or tariff group as ordered by the Commission, or some lesser rates as recommended by the large public utility and approved by the Commission under subsection (f); provided, that, if the application of such rates of the large public utility to customers of the acquired water or sewer utility using 54,000 gallons annually results in an increase to the total annual bill of customers of the acquired water or sewer utility, exclusive of fire service or related charges, then the large public utility's rates charged to the customers of the acquired water or sewer utility shall be uniformly reduced, if any reduction is required, by the percent that results in the total annual bill, exclusive of fire services or related charges, for the customers of the acquired water or sewer utility using 54,000 gallons being equal to 1.5% of the latest median household income as reported by the United States Census Bureau for the most applicable community or county. For each customer of the water or sewer utility with potable water usage values that cannot be reasonably obtained, a value of 4,500 gallons per month shall be assigned. These rates shall not be deemed to violate this Act including, but not limited to, Section 9-101 and any other applicable Sections in Articles VIII and IX of this Act. The Commission shall issue its decision establishing the rates effective for the water or sewer utility immediately following an acquisition in its order approving the acquisition.

(h) In the acquiring large public utility's next rate case, the water or sewer utility and the district or tariff group ordered by the Commission and their costs of service may be combined under the same rate tariff. This rate tariff shall be based on allocation of costs of service of the acquired water or sewer utility and the large public utility's district or tariff group ordered by the Commission and utilizing a rate design that does not distinguish among customers on the basis of utility service source or type. This rate tariff shall not be deemed to violate this Act including, but not limited to, Section 9-101 of this Act. In the acquiring large public utility's 2 rate cases after an acquisition, but in no subsequent rate case, the large public utility may file a rate tariff for a water or sewer utility acquired under this Section that establishes lesser rates

than the district or tariff group into which the water or sewer utility is to be combined. Those lesser rates shall not be deemed to violate Section 7-204 or any other provision of this Act if they affect the cumulative base rates of the large public utility's existing rate payers in the district or tariff by less than 2.5%.

(i) Any post-acquisition improvements made by the large public utility in the water or sewer utility shall accrue a cost for financing set at the large public utility's determined rate for allowance for funds used during construction, inclusive of the debt, equity, and income tax gross up components, after the date on which the expenditure was incurred by the large public utility until the investment has been in service for a 4-year period or, if sooner, until the time the rates are implemented in the large public utility's next rate case.

Any post-acquisition improvements made by the large public utility in the water or sewer utility shall not be depreciated for ratemaking purposes from the date on which the expenditure was incurred by the large public utility until the investment has been in service for a 4-year period or, if sooner, until the time the rates are implemented in the large public utility's next rate case.

(j) This Section shall be exclusively applied to large public utilities in the voluntary and mutually agreeable acquisition of water or sewer utilities. Any petitions filed with the Commission related to the acquisitions described in this Section, including petitions seeking approvals or certificates required by this Act, shall be deemed approved unless the Commission issues its final order within 11 months after the date the large public utility filed its initial petition. This Section shall only apply to utilities providing water or sewer service and shall not be construed in any manner to apply to electric corporations, natural gas corporations, or any other utility subject to this Act.

(k) Nothing in this Section shall prohibit a party from declining to proceed with an acquisition or be deemed as establishing the final purchase price of an acquisition.

(l) In the Commission's order that approves the large utility's acquisition of the water or sewer utility, the Commission shall address each aspect of the acquisition transaction for which approval is required under the Act.

(m) Any contractor or subcontractor that performs work on a water or sewer utility acquired by a large public utility under this Section shall be a responsible bidder as described in Section 30-22 of the Illinois Procurement Code. The contractor or subcontractor shall submit evidence of meeting the requirements to be a responsible bidder as described in Section 30-22 to the water or sewer utility. Any new water or sewer facility built as a result of the acquisition shall require the contractor to enter into a project labor agreement. The large public utility acquiring the water or sewer utility shall offer employee positions to qualified employees of the acquired water or sewer utility.

(n) This Section is repealed on June 1, 2028.

(Source: P.A. 100-751, eff. 8-10-18.)

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

AMENDMENT NO. 3 TO SENATE BILL 3051

AMENDMENT NO. 3. Amend Senate Bill 3051, AS AMENDED, by deleting Section 99.

Under the rules, the foregoing **Senate Bill No. 3051**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3127

A bill for AN ACT concerning finance.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 3127

House Amendment No. 2 to SENATE BILL NO. 3127

Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3127

AMENDMENT NO. 1. Amend Senate Bill 3127 by replacing everything after the enacting clause with the following:

"Section 5. The Design-Build Procurement Act is amended by changing Section 1 as follows:
(30 ILCS 537/1)
(Section scheduled to be repealed on July 1, 2019)
Sec. 1. Short title. This Act may be cited as the ~~the~~ Design-Build Procurement Act.
(Source: P.A. 94-716, eff. 12-13-05.)".

AMENDMENT NO. 2 TO SENATE BILL 3127

AMENDMENT NO. 2. Amend Senate Bill 3127, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Capital Development Board Act is amended by changing Section 5 as follows:
(20 ILCS 3105/5) (from Ch. 127, par. 775)
Sec. 5. The Board shall consist of 7 members, no more than 4 of whom may be of the same political party, all of whom shall be appointed by the Governor, by and with the consent of the Senate, and one of whom shall be designated as chairman by the Governor. No person may be appointed as a member of the Board who is serving as an elected officer for the State or for any unit of local government within the State.
If the Senate is not in session when the first appointments are made, the Governor shall make temporary appointments as in the case of a vacancy. In making the first appointments, the Governor shall designate 2 members to serve until January, 1974, 2 members to serve until January, 1975, 2 members to serve until January, 1976 and 1 member to serve until January, 1977, or until their successors are appointed and qualified. Notwithstanding any provision of law to the contrary, the term of office of each member of the Board is abolished on January 31, 2019. Incumbent members holding a position on the Board on January 30, 2019 may be reappointed. In making appointments to fill the vacancies created on January 31, 2019, the Governor shall designate 2 members to serve until January 31, 2021, 2 members to serve until January 31, 2022, 2 members to serve until January 31, 2023, and one member to serve until January 31, 2024, or until their successors are appointed and qualified. Their successors shall be appointed to serve for 4 year terms expiring on the third Monday in January or until their successors are appointed and qualified. Any vacancy occurring on the Board, whether by death, resignation or otherwise, shall be filled by appointment by the Governor in the same manner as original appointments. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term or until his successor is qualified.
(Source: P.A. 87-776.)

Section 10. The Design-Build Procurement Act is amended by changing Section 90 as follows:
(30 ILCS 537/90)
(Section scheduled to be repealed on July 1, 2019)
Sec. 90. Repealer. This Act is repealed on July 1, 2022 ~~July 1, 2019~~.
(Source: P.A. 98-572, eff. 1-1-14.)

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

Under the rules, the foregoing **Senate Bill No. 3127**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the veto of the Governor notwithstanding, to-wit:

SENATE BILL 34

A bill for AN ACT concerning government.
Passed the House, November 28, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the veto of the Governor notwithstanding, to-wit:

SENATE BILL 427

A bill for AN ACT concerning local government.

Passed the House, November 28, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 407

A bill for AN ACT concerning government.

SENATE BILL NO. 580

A bill for AN ACT concerning civil law.

Passed the House, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 5175

A bill for AN ACT concerning education.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, November 14, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

August 24, 2018

To the Honorable Members of
The Illinois House of Representatives,
100th General Assembly:

Today I veto House Bill 5175 from the 100th General Assembly, which, per my veto message earlier this year, would eliminate an appeals process for certain denial or closure decisions affecting charter school applicants and operators.

This legislation was vetoed in February, 2018, and still represents bad public policy. The Charter School Commission remains a proper venue to appeal these decisions of local school boards before sending parties to court, and the Commission has a history of thoughtfully evaluating appeals to ensure that all Illinois children have access to a high-quality education.

Therefore, pursuant to Section 9(b) of Article IV of the Illinois Constitution of 1970, I hereby return House Bill 5175, entitled "AN ACT concerning education," with the foregoing objections, vetoed in its entirety.

Sincerely,

Bruce Rauner
GOVERNOR

The bill reported on the foregoing veto message was placed on the Senate Calendar.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bill listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 849
Motion to Concur in House Amendment 2 to Senate Bill 849
Motion to Concur in House Amendment 5 to Senate Bill 1328
Motion to Concur in House Amendment 1 to Senate Bill 1469
Motion to Concur in House Amendment 1 to Senate Bill 1987
Motion to Concur in House Amendment 1 to Senate Bill 2342
Motion to Concur in House Amendment 2 to Senate Bill 3051
Motion to Concur in House Amendment 3 to Senate Bill 3051

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, reported that the following Legislative Measures have been approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 849
Motion to Concur in House Amendment 2 to Senate Bill 849
Motion to Concur in House Amendment 1 to Senate Bill 938
Motion to Concur in House Amendment 5 to Senate Bill 1328
Motion to Concur in House Amendment 1 to Senate Bill 1469
Motion to Concur in House Amendment 1 to Senate Bill 2342
Motion to Concur in House Amendment 2 to Senate Bill 3051
Motion to Concur in House Amendment 3 to Senate Bill 3051
Motion to Concur in House Amendment 2 to Senate Bill 3247

The foregoing concurrences were placed on the Secretary's Desk.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator McGuire, **Senate Bill No. 849**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator McGuire moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Martinez	Rose
Aquino	DeWitte	McCann	Schimpf
Barickman	Fowler	McCarter	Sims
Bennett	Haine	McConchie	Steans
Bertino-Tarrant	Harmon	McGuire	Syverson
Biss	Harris	Morrison	Tracy
Bivins	Hastings	Mulroe	Van Pelt
Brady	Holmes	Muñoz	Weaver
Bush	Hunter	Murphy	Wilcox
Castro	Koehler	Nathwani	Mr. President
Clayborne	Landek	Oberweis	

Collins	Lightford	Raoul
Cullerton, T.	Link	Rezin
Cunningham	Manar	Righter

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 849**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Steans, **Senate Bill No. 938**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Steans moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Curran	McCann	Rose
Aquino	DeWitte	McCarter	Sandoval
Barickman	Fowler	McConchie	Schimpf
Bennett	Haine	McGuire	Sims
Bertino-Tarrant	Harmon	Morrison	Steans
Biss	Harris	Mulroe	Syverson
Bivins	Hastings	Muñoz	Tracy
Brady	Holmes	Murphy	Van Pelt
Bush	Hunter	Nathwani	Weaver
Castro	Landek	Oberweis	Mr. President
Clayborne	Lightford	Raoul	
Collins	Link	Rezin	
Cullerton, T.	Manar	Righter	
Cunningham	Martinez	Rooney	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 938**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Mulroe, **Senate Bill No. 1328**, with House Amendment No. 5 on the Secretary's Desk, was taken up for immediate consideration.

Senator Mulroe moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None.

The following voted in the affirmative:

Anderson	Cunningham	Manar	Rooney
Aquino	Curran	Martinez	Rose
Barickman	DeWitte	McCann	Sandoval
Bennett	Fowler	McConchie	Schimpf
Bertino-Tarrant	Haine	McGuire	Sims
Biss	Harmon	Mulroe	Steans
Bivins	Harris	Muñoz	Syverson
Brady	Hastings	Murphy	Tracy
Bush	Holmes	Nathwani	Van Pelt
Castro	Hunter	Oberweis	Weaver

Clayborne	Landek	Raoul	Wilcox
Collins	Lightford	Rezin	Mr. President
Cullerton, T.	Link	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 5 to **Senate Bill No. 1328**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cunningham, **Senate Bill No. 1415**, with House Amendments numbered 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cunningham moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 43; NAYS 4.

The following voted in the affirmative:

Anderson	Collins	Manar	Rose
Aquino	Cunningham	Martinez	Sandoval
Barickman	DeWitte	McCann	Schimpf
Bennett	Fowler	Morrison	Sims
Bertino-Tarrant	Haine	Mulroe	Steans
Biss	Harris	Muñoz	Syverson
Bivins	Hastings	Murphy	Tracy
Brady	Hunter	Nathwani	Van Pelt
Bush	Landek	Raoul	Weaver
Castro	Lightford	Rezin	Mr. President
Clayborne	Link	Righter	

The following voted in the negative:

Curran	Oberweis
Holmes	Rooney

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 2 and 3 to **Senate Bill No. 1415**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Steans, **Senate Bill No. 1469**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Steans moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Curran	McCann	Rose
Aquino	DeWitte	McCarter	Sandoval
Barickman	Fowler	McConchie	Schimpf
Bennett	Haine	McGuire	Sims
Bertino-Tarrant	Harmon	Morrison	Steans
Biss	Harris	Mulroe	Syverson
Bivins	Hastings	Muñoz	Tracy
Brady	Holmes	Murphy	Van Pelt

Bush	Hunter	Nathwani	Weaver
Castro	Landek	Oberweis	Wilcox
Clayborne	Lightford	Raoul	Mr. President
Collins	Link	Rezin	
Cullerton, T.	Manar	Righter	
Cunningham	Martinez	Rooney	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1469**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 2342**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None.

The following voted in the affirmative:

Anderson	Cunningham	Manar	Righter
Aquino	Curran	Martinez	Rooney
Barickman	DeWitte	McCann	Rose
Bennett	Fowler	McCarter	Sandoval
Bertino-Tarrant	Haine	McConchie	Schimpf
Biss	Harmon	McGuire	Sims
Bivins	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Murphy	Weaver
Clayborne	Landek	Nathwani	Wilcox
Collins	Lightford	Oberweis	Mr. President
Cullerton, T.	Link	Rezin	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2342**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **Senate Bill No. 3051**, with House Amendments numbered 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Clayborne moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 40; NAYS 5; Present 1.

The following voted in the affirmative:

Anderson	Haine	McCann	Sandoval
Aquino	Harmon	McCarter	Schimpf
Barickman	Harris	McConchie	Sims
Bertino-Tarrant	Hastings	Morrison	Steans
Bivins	Holmes	Mulroe	Tracy
Brady	Hunter	Muñoz	Van Pelt
Castro	Landek	Nathwani	Mr. President
Clayborne	Lightford	Oberweis	

Cullerton, T.	Link	Righter
DeWitte	Manar	Rooney
Fowler	Martinez	Rose

The following voted in the negative:

Curran	Syverson	Wilcox
Rezin	Weaver	

The following voted present:

Raoul

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 2 and 3 to **Senate Bill No. 3051**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **Senate Bill No. 3247**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sandoval moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 51; NAYS None.

The following voted in the affirmative:

Anderson	Curran	McCann	Rooney
Aquino	DeWitte	McCarter	Rose
Barickman	Fowler	McConchie	Sandoval
Bertino-Tarrant	Haine	McGuire	Schimpf
Biss	Harris	Morrison	Sims
Bivins	Hastings	Mulroe	Steans
Brady	Holmes	Muñoz	Syverson
Bush	Hunter	Murphy	Tracy
Castro	Landek	Nathwani	Van Pelt
Clayborne	Lightford	Oberweis	Weaver
Collins	Link	Raoul	Wilcox
Cullerton, T.	Manar	Rezin	Mr. President
Cunningham	Martinez	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 3247**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 203

A bill for AN ACT concerning employment.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 203

House Amendment No. 2 to SENATE BILL NO. 203
Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 203

AMENDMENT NO. 1. Amend Senate Bill 203 by replacing everything after the enacting clause with the following:

"Section 5. The Prevailing Wage Act is amended by changing Sections 5 and 5.1 and by adding Sections 3.1 and 3.2 as follows:

(820 ILCS 130/3.1 new)

Sec. 3.1. Employment of local laborers; report. The Department of Labor shall report annually, no later than February 1, to the General Assembly and the Governor the number of people employed on public works in the State during the preceding calendar year. This report shall include the total number of people employed and the total number of hours worked on public works both statewide and by county. Additionally, the report shall include the total number of people employed and the hours worked on public works by the 5-digit zip code, as collected on certified payroll, of the individual's residence during employment on public works. 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 Secretary shall direct.

(820 ILCS 130/3.2 new)

Sec. 3.2. Employment of females and minorities on public works.

(a) The Department of Labor shall study and report on the participation of females and minorities on public works in Illinois. The Department of Labor shall use certified payrolls collected under Section 5.1 to obtain this information. The Department of Labor shall use the same categories for gender, race, and ethnicity as the U.S. Census Bureau for data collected under Section 5.

(b) No later than December 31, 2020, the Department of Labor shall create recommendations to increase female and minority participation on public works projects by county. The Department of Labor shall use its own study, data from the U.S. Department of Labor's goals for Davis-Bacon Act covered projects, and any available data from the State or federal governments.

(820 ILCS 130/5) (from Ch. 48, par. 39s-5)

Sec. 5. Certified payroll.

(a) Any contractor and each subcontractor who participates in public works shall:

(1) make and keep, for a period of not less than 3 years from the date of the last payment made before January 1, 2014 (the effective date of Public Act 98-328) and for a period of 5 years from the date of the last payment made on or after January 1, 2014 (the effective date of Public Act 98-328) on a contract or subcontract for public works, records of all laborers, mechanics, and other workers employed by them on the project; the records shall include (i) the worker's name, (ii) the worker's address, (iii) the worker's telephone number when available, (iv) the last 4 digits of the worker's social security number, (v) the worker's gender, (vi) the worker's race, (vii) the worker's ethnicity, (viii) veteran status, (ix) the worker's classification or classifications, (x) ~~(vi)~~ the worker's gross and net wages paid in each pay period, (xi) ~~(vii)~~ the worker's number of hours worked each day, (xii) ~~(viii)~~ the worker's starting and ending times of work each day, (xiii) ~~(ix)~~ the worker's hourly wage rate, (xiv) ~~(x)~~ the worker's hourly overtime wage rate, (xv) ~~(xi)~~ the worker's hourly fringe benefit rates, (xvi) ~~(xii)~~ the name and address of each fringe benefit fund, (xvii) ~~(xiii)~~ the plan sponsor of each fringe benefit, if applicable, and (xviii) ~~(xiv)~~ the plan administrator of each fringe benefit, if applicable; and

(2) no later than the 15th day of each calendar month file a certified payroll for the immediately preceding month with the public body in charge of the project until the Department of Labor activates the database created under Section 5.1 at which time certified payroll shall only be submitted to that database, except for projects done by State agencies that opt to have contractors submit certified payrolls directly to that State agency. A State agency that opts to directly receive certified payrolls must submit the required information in a specified electronic format to the Department of Labor no later than 10 days after the certified payroll was filed with the State agency. A certified payroll must be filed for only those calendar months during which construction on a public works project has occurred. The certified payroll shall consist of a complete copy of the records identified in paragraph (1) of this subsection (a), but may exclude the starting and ending times of work each day. The certified payroll shall be accompanied by a statement signed by the contractor or subcontractor or an officer, employee, or agent of the contractor or subcontractor which avers that: (i) he or she has examined the

certified payroll records required to be submitted by the Act and such records are true and accurate; (ii) the hourly rate paid to each worker is not less than the general prevailing rate of hourly wages required by this Act; and (iii) the contractor or subcontractor is aware that filing a certified payroll that he or she knows to be false is a Class A misdemeanor. A general contractor is not prohibited from relying on the certification of a lower tier subcontractor, provided the general contractor does not knowingly rely upon a subcontractor's false certification. Any contractor or subcontractor subject to this Act and any officer, employee, or agent of such contractor or subcontractor whose duty as such officer, employee, or agent it is to file such certified payroll who willfully fails to file such a certified payroll on or before the date such certified payroll is required by this paragraph to be filed and any person who willfully files a false certified payroll that is false as to any material fact is in violation of this Act and guilty of a Class A misdemeanor. The public body in charge of the project shall keep the records submitted in accordance with this paragraph (2) of subsection (a) before January 1, 2014 (the effective date of Public Act 98-328) for a period of not less than 3 years, and the records submitted in accordance with this paragraph (2) of subsection (a) on or after January 1, 2014 (the effective date of Public Act 98-328) for a period of 5 years, from the date of the last payment for work on a contract or subcontract for public works or until the Department of Labor activates the database created under Section 5.1, whichever is less. After the activation of the database created under Section 5.1, the Department of Labor rather than the public body in charge of the project shall keep the records and maintain the database. The records submitted in accordance with this paragraph (2) of subsection (a) shall be considered public records, except an employee's address, telephone number, ~~and~~ social security number, race, ethnicity, and gender, and made available in accordance with the Freedom of Information Act. The public body shall accept any reasonable submissions by the contractor that meet the requirements of this Section.

A contractor, subcontractor, or public body may retain records required under this Section in paper or electronic format.

(b) Upon 7 business days' notice, the contractor and each subcontractor shall make available for inspection and copying at a location within this State during reasonable hours, the records identified in paragraph (1) of subsection (a) of this Section to the public body in charge of the project, its officers and agents, the Director of Labor and his deputies and agents, and to federal, State, or local law enforcement agencies and prosecutors.

(c) A contractor or subcontractor who remits contributions to fringe benefit funds that are jointly maintained and jointly governed by one or more employers and one or more labor organizations in accordance with the federal Labor Management Relations Act shall make and keep certified payroll records that include the information required under items (i) through (viii) of paragraph (1) of subsection (a) only. However, the information required under items (ix) through (xiv) of paragraph (1) of subsection (a) shall be required for any contractor or subcontractor who remits contributions to a fringe benefit fund that is not jointly maintained and jointly governed by one or more employers and one or more labor organizations in accordance with the federal Labor Management Relations Act.

(Source: P.A. 97-571, eff. 1-1-12; 98-328, eff. 1-1-14; 98-482, eff. 1-1-14; 98-756, eff. 7-16-14.)

(820 ILCS 130/5.1)

Sec. 5.1. Electronic database. The ~~Subject to appropriation, the~~ Department shall develop and maintain an electronic database capable of accepting and retaining certified payrolls submitted under this Act no later than April 1, 2019. The database shall accept certified payroll forms provided by the Department that are fillable and designed to accept electronic signatures.

(Source: P.A. 98-482, eff. 1-1-14.)

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

AMENDMENT NO. 2 TO SENATE BILL 203

AMENDMENT NO. 2. Amend Senate Bill 203, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Prevailing Wage Act is amended by changing Sections 2, 4, 5, 5.1, 7, 9, and 10 and by adding Sections 3.1 and 3.2 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; and (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

"Labor organization" means an organization that is the exclusive representative of an employer's employees recognized or certified pursuant to the National Labor Relations Act.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13; 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff. 7-16-14.)

(820 ILCS 130/3.1 new)

Sec. 3.1. Employment of local laborers; report. The Department of Labor shall report annually, no later than February 1, to the General Assembly and the Governor the number of people employed on public

works in the State during the preceding calendar year. This report shall include the total number of people employed and the total number of hours worked on public works both statewide and by county. Additionally, the report shall include the total number of people employed and the hours worked on public works by the 5-digit zip code, as collected on certified payroll, of the individual's residence during employment on public works. 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 Secretary shall direct.

(820 ILCS 130/3.2 new)

Sec. 3.2. Employment of females and minorities on public works.

(a) The Department of Labor shall study and report on the participation of females and minorities on public works in Illinois. The Department of Labor shall use certified payrolls collected under Section 5.1 to obtain this information. The Department of Labor shall use the same categories for gender, race, and ethnicity as the U.S. Census Bureau for data collected under Section 5.

(b) No later than December 31, 2020, the Department of Labor shall create recommendations to increase female and minority participation on public works projects by county. The Department of Labor shall use its own study, data from the U.S. Department of Labor's goals for Davis-Bacon Act covered projects, and any available data from the State or federal governments.

(820 ILCS 130/4) (from Ch. 48, par. 39s-4)

Sec. 4. Ascertaining prevailing wage.

(a) The prevailing rate of wages paid to individuals covered under this Act shall not be less than the rate that prevails for work of a similar character on public works in the locality in which the work is performed under collective bargaining agreements or understandings between employers or employer associations and bona fide labor organizations relating to each craft or type of worker or mechanic needed to execute the contract or perform such work, and collective bargaining agreements or understandings successor thereto, provided that said employers or members of said employer associations employ at least 30% of the laborers, workers, or mechanics in the same trade or occupation in the locality where the work is being performed.

(b) If the prevailing rates of wages and fringe benefits cannot reasonably and fairly be applied in any locality because no such agreements or understandings exist, the Department of Labor shall determine the rates and fringe benefits for the same or most similar work in the nearest and most similar neighboring locality in which such agreements or understandings exist. The Department of Labor shall keep a record of its findings available for inspection by any interested party in the office of the Department of Labor.

(c) In the event it is determined, after a written objection is filed and hearing is held in accordance with Section 9 of this Act, that less than 30% of the laborers, workers, or mechanics in a particular trade or occupation in the locality where the work is performed receive a collectively bargained rate of wage, then the average wage paid to such laborers, workers, or mechanics in the same trade or occupation in the locality for the 12-month period preceding the Department of Labor's annual determination shall be the prevailing rate of wage.

(d) ~~(a)~~ The public body awarding any contract for public work or otherwise undertaking any public works~~, shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract, and where the public body performs the work without letting a contract therefor, shall ascertain the prevailing rate of wages on a per hour basis in the locality, and such public body~~ shall specify ~~in the resolution or ordinance and~~ in the call for bids for the contract, or where the public body performs the work without letting the contract in a written instrument provided to the contractor, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the ~~public body or by the~~ Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work, and it shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work . Compliance with this Act is a matter of statewide concern, and a public body may not opt out of any provisions herein. ~~; provided, however, that if the public body desires that the Department of Labor ascertain the prevailing rate of wages, it shall notify the Department of Labor to ascertain the general prevailing rate of hourly wages for work under contract, or for work performed by a public body without letting a contract as required in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Upon such notification the Department of Labor shall ascertain such general prevailing rate of wages, and certify the prevailing wage to such public body.~~

(e) ~~(a-1)~~ The public body or other entity awarding the contract shall cause to be inserted in the project specifications and the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the ~~public body or~~ Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract.

(f) ~~(a-2)~~ When a public body or other entity covered by this Act has awarded work to a contractor without a public bid, contract or project specification, such public body or other entity shall comply with subsection (e) ~~(a-1)~~ by providing the contractor with written notice on the purchase order related to the work to be done or on a separate document indicating that not less than the prevailing rate of wages ascertained ~~as found~~ by ~~the public body or~~ Department of Labor or determined by the court on review shall be paid to all laborers, workers, and mechanics performing work on the project.

(g) ~~(a-3)~~ Where a complaint is made and the Department of Labor determines that a violation occurred, the Department of Labor shall determine if proper written notice under this Section 4 was given. If proper written notice was not provided to the contractor by the public body or other entity, the Department of Labor shall order the public body or other entity to pay any interest, penalties or fines that would have been owed by the contractor if proper written notice were provided. The failure by a public body or other entity to provide written notice does not relieve the contractor of the duty to comply with the prevailing wage rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required to be paid for the project. The failure of a public body or other entity to provide written notice under this Section 4 does not diminish the right of a laborer, worker, or mechanic to the prevailing rate of wages as determined under this Act.

(h) ~~(b)~~ It shall also be mandatory upon the contractor to whom the contract is awarded to insert into each subcontract and into the project specifications for each subcontract a written stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. It shall also be mandatory upon each subcontractor to cause to be inserted into each lower tiered subcontract and into the project specifications for each lower tiered subcontract a stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. A contractor or subcontractor who fails to comply with this subsection ~~(b)~~ is in violation of this Act.

(i) ~~(b-1)~~ When a contractor has awarded work to a subcontractor without a contract or contract specification, the contractor shall comply with subsection (h) ~~(b)~~ by providing a subcontractor with a written statement indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project. A contractor or subcontractor who fails to comply with this subsection ~~(b-1)~~ is in violation of this Act.

(j) ~~(b-2)~~ Where a complaint is made and the Department of Labor determines that a violation has occurred, the Department of Labor shall determine if proper written notice under this Section 4 was given. If proper written notice was not provided to the subcontractor by the contractor, the Department of Labor shall order the contractor to pay any interest, penalties, or fines that would have been owed by the subcontractor if proper written notice were provided. The failure by a contractor to provide written notice to a subcontractor does not relieve the subcontractor of the duty to comply with the prevailing wage rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required for the project. However, if proper written notice was not provided to the contractor by the public body or other entity under this Section 4, the Department of Labor shall order the public body or other entity to pay any interest, penalties, or fines that would have been owed by the subcontractor if proper written notice were provided. The failure by a public body or other entity to provide written notice does not relieve the subcontractor of the duty to comply with the prevailing wage rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required for the project. The failure to provide written notice by a public body, other entity, or contractor does not diminish the right of a laborer, worker, or mechanic to the prevailing rate of wages as determined under this Act.

(k) ~~(c)~~ A public body or other entity shall also require in all contractor's and subcontractor's bonds that the contractor or subcontractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract or other written instrument. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract.

(l) ~~(d)~~ If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body or other entity, the revised rate shall apply to such contract, and the public body or other entity shall be responsible to notify the contractor and each subcontractor, of the revised rate.

The public body or other entity shall discharge its duty to notify of the revised rates by inserting a written stipulation in all contracts or other written instruments that states the prevailing rate of wages are revised by the Department of Labor and are available on the Department's official website. This shall be deemed to be proper notification of any rate changes under this subsection.

(m) ~~(e)~~ Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. ~~Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department.~~ The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.

(n) ~~(f)~~ It shall be mandatory upon the contractor or construction manager to whom a contract for public works is awarded to post, at a location on the project site of the public works that is easily accessible to the workers engaged on the project, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. In lieu of posting on the project site of the public works, a contractor which has a business location where laborers, workers, and mechanics regularly visit may: (1) post in a conspicuous location at that business the current prevailing wage rates for each county in which the contractor is performing work; or (2) provide such laborer, worker, or mechanic engaged on the public works project a written notice indicating the prevailing wage rates for the public works project. A failure to post or provide a prevailing wage rate as required by this Section is a violation of this Act.

(Source: P.A. 96-437, eff. 1-1-10; 97-964, eff. 1-1-13.)

(820 ILCS 130/5) (from Ch. 48, par. 39s-5)

Sec. 5. Certified payroll.

(a) Any contractor and each subcontractor who participates in public works shall:

(1) make and keep, for a period of not less than 3 years from the date of the last payment made before January 1, 2014 (the effective date of Public Act 98-328) and for a period of 5 years from the date of the last payment made on or after January 1, 2014 (the effective date of Public Act 98-328) on a contract or subcontract for public works, records of all laborers, mechanics, and other workers employed by them on the project; the records shall include (i) the worker's name, (ii) the worker's address, (iii) the worker's telephone number when available, (iv) the last 4 digits of the worker's social security number, (v) the worker's gender, (vi) the worker's race, (vii) the worker's ethnicity, (viii) veteran status, (ix) the worker's classification or classifications, (x) ~~(vi)~~ the worker's gross and net wages paid in each pay period, (xi) ~~(vii)~~ the worker's number of hours worked each day, (xii) ~~(viii)~~ the worker's starting and ending times of work each day, (xiii) ~~(ix)~~ the worker's hourly wage rate, (xiv) ~~(x)~~ the worker's hourly overtime wage rate, (xv) ~~(xi)~~ the worker's hourly fringe benefit rates, (xvi) ~~(xii)~~ the name and address of each fringe benefit fund, (xvii) ~~(xiii)~~ the plan sponsor of each fringe benefit, if applicable, and (xviii) ~~(xiv)~~ the plan administrator of each fringe benefit, if applicable; and

(2) no later than the 15th day of each calendar month file a certified payroll for the immediately preceding month with the public body in charge of the project until the Department of Labor activates the database created under Section 5.1 at which time certified payroll shall only be submitted to that database, except for projects done by State agencies that opt to have contractors submit certified payrolls directly to that State agency. A State agency that opts to directly receive certified payrolls must submit the required information in a specified electronic format to the Department of Labor no later than 10 days after the certified payroll was filed with the State agency. A certified payroll must be filed for only those calendar months during which construction on a public works project has occurred. The certified payroll shall consist of a complete copy of the records identified in paragraph (1) of this subsection (a), but may exclude the starting and ending times of work each day. The certified payroll shall be accompanied by a statement signed by the contractor or subcontractor or an officer, employee, or agent of the contractor or subcontractor which avers that: (i) he or she has examined the certified payroll records required to be submitted by the Act and such records are true and accurate; (ii) the hourly rate paid to each worker is not less than the general prevailing rate of hourly wages required by this Act; and (iii) the contractor or subcontractor is aware that filing a certified payroll that he or she knows to be false is a Class A misdemeanor. A general contractor is not prohibited from relying on the certification of a lower tier subcontractor, provided the general contractor does not knowingly rely upon a subcontractor's false certification. Any contractor or subcontractor subject to this Act and any officer, employee, or agent of such contractor or subcontractor whose duty as such officer, employee, or agent

it is to file such certified payroll who willfully fails to file such a certified payroll on or before the date such certified payroll is required by this paragraph to be filed and any person who willfully files a false certified payroll that is false as to any material fact is in violation of this Act and guilty of a Class A misdemeanor. The public body in charge of the project shall keep the records submitted in accordance with this paragraph (2) of subsection (a) before January 1, 2014 (the effective date of Public Act 98-328) for a period of not less than 3 years, and the records submitted in accordance with this paragraph (2) of subsection (a) on or after January 1, 2014 (the effective date of Public Act 98-328) for a period of 5 years, from the date of the last payment for work on a contract or subcontract for public works or until the Department of Labor activates the database created under Section 5.1, whichever is less. After the activation of the database created under Section 5.1, the Department of Labor rather than the public body in charge of the project shall keep the records and maintain the database. The records submitted in accordance with this paragraph (2) of subsection (a) shall be considered public records, except an employee's address, telephone number, and social security number, race, ethnicity, and gender, and made available in accordance with the Freedom of Information Act. The public body shall accept any reasonable submissions by the contractor that meet the requirements of this Section.

A contractor, subcontractor, or public body may retain records required under this Section in paper or electronic format.

(b) Upon 7 business days' notice, the contractor and each subcontractor shall make available for inspection and copying at a location within this State during reasonable hours, the records identified in paragraph (1) of subsection (a) of this Section to the public body in charge of the project, its officers and agents, the Director of Labor and his deputies and agents, and to federal, State, or local law enforcement agencies and prosecutors.

(c) A contractor or subcontractor who remits contributions to fringe benefit funds that are jointly maintained and jointly governed by one or more employers and one or more labor organizations in accordance with the federal Labor Management Relations Act shall make and keep certified payroll records that include the information required under items (i) through (viii) of paragraph (1) of subsection (a) only. However, the information required under items (ix) through (xiv) of paragraph (1) of subsection (a) shall be required for any contractor or subcontractor who remits contributions to a fringe benefit fund that is not jointly maintained and jointly governed by one or more employers and one or more labor organizations in accordance with the federal Labor Management Relations Act.

(Source: P.A. 97-571, eff. 1-1-12; 98-328, eff. 1-1-14; 98-482, eff. 1-1-14; 98-756, eff. 7-16-14.)

(820 ILCS 130/5.1)

Sec. 5.1. Electronic database. The ~~Subject to appropriation, the~~ Department shall develop and maintain an electronic database capable of accepting and retaining certified payrolls submitted under this Act no later than April 1, 2020. The database shall accept certified payroll forms provided by the Department that are fillable and designed to accept electronic signatures.

(Source: P.A. 98-482, eff. 1-1-14.)

(820 ILCS 130/7) (from Ch. 48, par. 39s-7)

Sec. 7. The finding of the ~~public body awarding the contract or authorizing the work or the~~ Department of Labor ascertaining and declaring the general prevailing rate of hourly wages shall be final for all purposes of the contract for public work then being considered, unless reviewed under the provisions of this Act. Nothing in this Act, however, shall be construed to prohibit the payment to any laborer, worker or mechanic employed on any public work, as aforesaid, of more than the prevailing rate of wages; provided further that nothing in this Act shall be construed to limit the hours of work which may be performed by any person in any particular period of time.

(Source: P.A. 81-992.)

(820 ILCS 130/9) (from Ch. 48, par. 39s-9)

Sec. 9. To effectuate the purpose and policy of this Act ~~each public body shall, during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages as defined in this Act and publicly post or keep available for inspection by any interested party in the main office of such public body its determination of such prevailing rate of wage and shall promptly file, no later than July 15 of each year, a certified copy thereof in the office of the Illinois Department of Labor. The~~ Department of Labor shall ~~,~~ during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State and shall publish the prevailing wage schedule ascertained on its official website no later than July 15 of each year. If the prevailing rate of wages is based on a collective bargaining agreement, any increases directly ascertainable from such collective bargaining agreement shall also be published on the website. Further, if the prevailing rate of wages is based on a collective bargaining agreement, the explanation of classes on the prevailing wage schedule shall be consistent with the classifications established under the collective bargaining agreement. ~~If a public body does not investigate~~

~~and ascertain the prevailing rate of wages during the month of June as required by the previous paragraph, then the prevailing rate of wages for that public body shall be the rate as determined by the Department under this paragraph for the county in which such public body is located. The Department shall publish on its official website a prevailing wage schedule for each county in the State, no later than August 15 of each year, based on the prevailing rate of wages investigated and ascertained by the Department during the month of June. Nothing prohibits the Department from publishing prevailing wage rates more than once per year.~~

~~Where the Department of Labor ascertains the prevailing rate of wages, it is the duty of the Department of Labor within 30 days after receiving a notice from the public body authorizing the proposed work, to conduct an investigation to ascertain the prevailing rate of wages as defined in this Act and such investigation shall be conducted in the locality in which the work is to be performed. The Department of Labor shall send a certified copy of its findings to the public body authorizing the work and keep a record of its findings available for inspection by any interested party in the office of the Department of Labor at Springfield.~~

~~The public body except for the Department of Transportation with respect to highway contracts shall within 30 days after filing with the Department of Labor, or the Department of Labor shall within 30 days after filing with such public body, publish in a newspaper of general circulation within the area that the determination is effective, a notice of its determination and shall promptly mail a copy of its determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates. If the Department of Labor ascertains the prevailing rate of wages for a public body, the public body may satisfy the newspaper publication requirement in this paragraph by posting on the public body's website a notice of its determination with a hyperlink to the prevailing wage schedule for that locality that is published on the official website of the Department of Labor.~~

At any time within 30 days after the Department of Labor has published on its official web site a prevailing wage schedule, any person affected thereby may object in writing to the determination or such part thereof as they may deem objectionable by filing a written notice with the ~~public body or~~ Department of Labor~~, whichever has made such determination,~~ stating the specified grounds of the objection. A person filing an objection alleging that the actual percentage of laborers, workers, or mechanics that receive a collectively bargained rate of wage is below the required 30% shall have the burden of establishing such and shall support the allegation with competent evidence. During the pendency of any objection and until final determination thereof, the work in question shall proceed under the rate established by the Department. It shall ~~thereafter~~ be the duty of the ~~public body or~~ Department of Labor to set a date for a hearing on the objection after giving written notice to the objectors at least 10 days before the date of the hearing and said notice shall state the time and place of such hearing. Such hearing by the Department of Labor ~~a public body~~ shall be held within 45 days after the objection is filed, and shall not be postponed or reset for a later date except upon the consent, in writing, of all the objectors and the Department of Labor. ~~public body. If such hearing is not held by the public body within the time herein specified, the Department of Labor may, upon request of the objectors, conduct the hearing on behalf of the public body.~~

The ~~public body or~~ Department of Labor may ~~, whichever has made such determination, is authorized in its discretion to~~ hear each written objection filed separately or consolidate for hearing any one or more written objections filed ~~with them~~. At such hearing, the ~~public body or~~ Department of Labor shall introduce in evidence the investigation it instituted which formed the basis of its determination, and the ~~public body or~~ Department of Labor, or any interested objectors may thereafter introduce such evidence as is material to the issue. Thereafter, the ~~public body or~~ Department of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants~~, and promptly file a certified copy of its final determination with such public body,~~ and serve a copy by personal service ~~,~~ ~~or~~ registered mail , or electronic mail on all parties to the proceedings. The final determination by the Department of Labor ~~or a public body~~ shall be rendered within 30 days after the conclusion of the hearing.

If proceedings to review judicially the final determination of the ~~public body or~~ Department of Labor are not instituted as hereafter provided, such determination shall be final and binding.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of ~~any public body or~~ the Department of Labor ~~hereunder~~. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Appeals from all final orders and judgments entered by the court in review of the final administrative decision of the ~~public body or~~ Department of Labor, may be taken by any party to the action.

Any proceeding in any court affecting a determination of the Department of Labor ~~or public body~~ shall have priority in hearing and determination over all other civil proceedings pending in said court, except election contests.

In all reviews or appeals under this Act, it shall be the duty of the Attorney General to represent the Department of Labor, and defend its determination. ~~The Attorney General shall not represent any public body, except the State, in any such review or appeal.~~

(Source: P.A. 100-2, eff. 6-16-17; 100-154, eff. 8-18-17; 100-863, eff. 8-14-18.)

(820 ILCS 130/10) (from Ch. 48, par. 39s-10)

Sec. 10. The ~~presiding officer of the public body, or his or her authorized representative and the~~ Director of the Department of Labor, or his or her authorized representative may interview workers, administer oaths, take or cause to be taken the depositions of witnesses, and require by subpoena the attendance and testimony of witnesses, and the production of all books, records, and other evidence relative to the matter under investigation or hearing. Such subpoena shall be signed and issued by ~~such presiding officer or his or her authorized representative, or~~ the Director or his or her authorized representative.

Upon request by the Director of Labor or his or her deputies or agents, records shall be copied and submitted for evidence at no cost to the Department of Labor. Every employer upon request shall furnish to the Director or his or her authorized representative, on demand, a sworn statement of the accuracy of the records. Any employer who refuses to furnish a sworn statement of the records is in violation of this Act.

In case of failure of any person to comply with any subpoena lawfully issued under this Section ~~section~~ or on the refusal of any witness to produce evidence or to testify to any matter regarding which he or she may be lawfully interrogated, it is the duty of any circuit court, upon application of ~~such presiding officer or his or her authorized representative, or~~ the Director or his or her authorized representative, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by such court or a refusal to testify therein. The ~~Such presiding officer and the~~ Director may certify to official acts.

(Source: P.A. 93-38, eff. 6-1-04.)

(820 ILCS 130/8 rep.)

Section 10. The Prevailing Wage Act is amended by repealing Section 8.".

Under the rules, the foregoing **Senate Bill No. 203**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1993

A bill for AN ACT concerning courts.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1993

Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1993

AMENDMENT NO. 2. Amend Senate Bill 1993 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 1-3, 1-7, 1-8, 1-9, and 5-915 and by adding Sections 5-920, 5-923, and 5-925 as follows:

(705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

(Text of Section before amendment by P.A. 100-689)

Sec. 1-3. Definitions. Terms used in this Act, unless the context otherwise requires, have the following meanings ascribed to them:

(1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under Section 2-13, 3-15 or 4-12 that a minor under 18 years of age is abused, neglected or dependent, or requires authoritative intervention, or addicted, respectively, are supported by a preponderance of the evidence or

whether the allegations of a petition under Section 5-520 that a minor is delinquent are proved beyond a reasonable doubt.

(2) "Adult" means a person 21 years of age or older.

(3) "Agency" means a public or private child care facility legally authorized or licensed by this State for placement or institutional care or for both placement and institutional care.

(4) "Association" means any organization, public or private, engaged in welfare functions which include services to or on behalf of children but does not include "agency" as herein defined.

(4.05) Whenever a "best interest" determination is required, the following factors shall be considered in the context of the child's age and developmental needs:

(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;

(b) the development of the child's identity;

(c) the child's background and ties, including familial, cultural, and religious;

(d) the child's sense of attachments, including:

(i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

(ii) the child's sense of security;

(iii) the child's sense of familiarity;

(iv) continuity of affection for the child;

(v) the least disruptive placement alternative for the child;

(e) the child's wishes and long-term goals;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child.

(4.1) "Chronic truant" shall have the definition ascribed to it in Section 26-2a of the School Code.

(5) "Court" means the circuit court in a session or division assigned to hear proceedings under this Act.

(6) "Dispositional hearing" means a hearing to determine whether a minor should be adjudged to be a ward of the court, and to determine what order of disposition should be made in respect to a minor adjudged to be a ward of the court.

(6.5) "Dissemination" or "disseminate" means to publish, produce, print, manufacture, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.

(7) "Emancipated minor" means any minor 16 years of age or over who has been completely or partially emancipated under the Emancipation of Minors Act or under this Act.

(7.03) "Expunge" means to physically destroy the records and to obliterate the minor's name from any official index, public record, or electronic database.

(7.05) "Foster parent" includes a relative caregiver selected by the Department of Children and Family Services to provide care for the minor.

(8) "Guardianship of the person" of a minor means the duty and authority to act in the best interests of the minor, subject to residual parental rights and responsibilities, to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned with his or her general welfare. It includes but is not necessarily limited to:

(a) the authority to consent to marriage, to enlistment in the armed forces of the United States, or to a major medical, psychiatric, and surgical treatment; to represent the minor in legal actions; and to make other decisions of substantial legal significance concerning the minor;

(b) the authority and duty of reasonable visitation, except to the extent that these have been limited in the best interests of the minor by court order;

(c) the rights and responsibilities of legal custody except where legal custody has been vested in another person or agency; and

(d) the power to consent to the adoption of the minor, but only if expressly conferred on the guardian in accordance with Section 2-29, 3-30, or 4-27.

(8.1) "Juvenile court record" includes, but is not limited to:

(a) all documents filed in or maintained by the juvenile court pertaining to a specific incident, proceeding, or individual;

(b) all documents relating to a specific incident, proceeding, or individual made available to or maintained by probation officers;

(c) all documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings; or

(d) all documents, transcripts, records, reports, or other evidence prepared by, maintained by, or released by any municipal, county, or State agency or department, in any format, if indicating involvement with the juvenile court relating to a specific incident, proceeding, or individual.

(8.2) "Juvenile law enforcement record" includes records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense, and records maintained by a law enforcement agency that identifies a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any records created, maintained, or used for purposes of referral to programs relating to diversion as defined subsection (6) of Section 5-105.

(9) "Legal custody" means the relationship created by an order of court in the best interests of the minor which imposes on the custodian the responsibility of physical possession of a minor and the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, except as these are limited by residual parental rights and responsibilities and the rights and responsibilities of the guardian of the person, if any.

(9.1) "Mentally capable adult relative" means a person 21 years of age or older who is not suffering from a mental illness that prevents him or her from providing the care necessary to safeguard the physical safety and welfare of a minor who is left in that person's care by the parent or parents or other person responsible for the minor's welfare.

(10) "Minor" means a person under the age of 21 years subject to this Act.

(11) "Parent" means a father or mother of a child and includes any adoptive parent. It also includes a person (i) whose parentage is presumed or has been established under the law of this or another jurisdiction or (ii) who has registered with the Putative Father Registry in accordance with Section 12.1 of the Adoption Act and whose paternity has not been ruled out under the law of this or another jurisdiction. It does not include a parent whose rights in respect to the minor have been terminated in any manner provided by law. It does not include a person who has been or could be determined to be a parent under the Illinois Parentage Act of 1984 or the Illinois Parentage Act of 2015, or similar parentage law in any other state, if that person has been convicted of or pled nolo contendere to a crime that resulted in the conception of the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not subsection (c)) of Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, or similar statute in another jurisdiction unless upon motion of any party, other than the offender, to the juvenile court proceedings the court finds it is in the child's best interest to deem the offender a parent for purposes of the juvenile court proceedings.

(11.1) "Permanency goal" means a goal set by the court as defined in subdivision (2) of Section 2-28.

(11.2) "Permanency hearing" means a hearing to set the permanency goal and to review and determine (i) the appropriateness of the services contained in the plan and whether those services have been provided, (ii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iii) whether the plan and goal have been achieved.

(12) "Petition" means the petition provided for in Section 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions thereunder in Section 3-15, 4-12 or 5-520.

(12.1) "Physically capable adult relative" means a person 21 years of age or older who does not have a severe physical disability or medical condition, or is not suffering from alcoholism or drug addiction, that prevents him or her from providing the care necessary to safeguard the physical safety and welfare of a minor who is left in that person's care by the parent or parents or other person responsible for the minor's welfare.

(12.2) "Post Permanency Sibling Contact Agreement" has the meaning ascribed to the term in Section 7.4 of the Children and Family Services Act.

(12.3) "Residential treatment center" means a licensed setting that provides 24-hour care to children in a group home or institution, including a facility licensed as a child care institution under Section 2.06 of the Child Care Act of 1969, a licensed group home under Section 2.16 of the Child Care Act of 1969, a secure child care facility as defined in paragraph (18) of this Section, or any similar facility in another state. "Residential treatment center" does not include a relative foster home or a licensed foster family home.

(13) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation (which may be limited by the court in the best interests of the minor as provided in subsection (8)(b) of this Section), the right to consent to adoption, the right to determine the minor's religious affiliation, and the responsibility for his support.

(14) "Shelter" means the temporary care of a minor in physically unrestricting facilities pending court disposition or execution of court order for placement.

(14.05) "Shelter placement" means a temporary or emergency placement for a minor, including an emergency foster home placement.

(14.1) "Sibling Contact Support Plan" has the meaning ascribed to the term in Section 7.4 of the Children and Family Services Act.

(15) "Station adjustment" means the informal handling of an alleged offender by a juvenile police officer.

(16) "Ward of the court" means a minor who is so adjudged under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the requisite jurisdictional facts, and thus is subject to the dispositional powers of the court under this Act.

(17) "Juvenile police officer" means a sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by his or her chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training approved by the Director of the Department of State Police.

(18) "Secure child care facility" means any child care facility licensed by the Department of Children and Family Services to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections. "Secure child care facility" also means a facility that is designed and operated to ensure that all entrances and exits from the facility, a building, or a distinct part of the building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building.

(Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17; 100-229, eff. 1-1-18; 100-863, eff. 8-14-18.)

(Text of Section after amendment by P.A. 100-689)

Sec. 1-3. Definitions. Terms used in this Act, unless the context otherwise requires, have the following meanings ascribed to them:

(1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under Section 2-13, 3-15 or 4-12 that a minor under 18 years of age is abused, neglected or dependent, or requires authoritative intervention, or addicted, respectively, are supported by a preponderance of the evidence or whether the allegations of a petition under Section 5-520 that a minor is delinquent are proved beyond a reasonable doubt.

(2) "Adult" means a person 21 years of age or older.

(3) "Agency" means a public or private child care facility legally authorized or licensed by this State for placement or institutional care or for both placement and institutional care.

(4) "Association" means any organization, public or private, engaged in welfare functions which include services to or on behalf of children but does not include "agency" as herein defined.

(4.05) Whenever a "best interest" determination is required, the following factors shall be considered in the context of the child's age and developmental needs:

(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;

(b) the development of the child's identity;

(c) the child's background and ties, including familial, cultural, and religious;

(d) the child's sense of attachments, including:

(i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

(ii) the child's sense of security;

(iii) the child's sense of familiarity;

(iv) continuity of affection for the child;

(v) the least disruptive placement alternative for the child;

(e) the child's wishes and long-term goals;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child.

(4.1) "Chronic truant" shall have the definition ascribed to it in Section 26-2a of the School Code.

(5) "Court" means the circuit court in a session or division assigned to hear proceedings under this Act.

(6) "Dispositional hearing" means a hearing to determine whether a minor should be adjudged to be a ward of the court, and to determine what order of disposition should be made in respect to a minor adjudged to be a ward of the court.

(6.5) "Dissemination" or "disseminate" means to publish, produce, print, manufacture, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.

(7) "Emancipated minor" means any minor 16 years of age or over who has been completely or partially emancipated under the Emancipation of Minors Act or under this Act.

(7.03) "Expunge" means to physically destroy the records and to obliterate the minor's name from any official index, public record, or electronic database.

(7.05) "Foster parent" includes a relative caregiver selected by the Department of Children and Family Services to provide care for the minor.

(8) "Guardianship of the person" of a minor means the duty and authority to act in the best interests of the minor, subject to residual parental rights and responsibilities, to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned with his or her general welfare. It includes but is not necessarily limited to:

(a) the authority to consent to marriage, to enlistment in the armed forces of the United States, or to a major medical, psychiatric, and surgical treatment; to represent the minor in legal actions; and to make other decisions of substantial legal significance concerning the minor;

(b) the authority and duty of reasonable visitation, except to the extent that these have been limited in the best interests of the minor by court order;

(c) the rights and responsibilities of legal custody except where legal custody has been vested in another person or agency; and

(d) the power to consent to the adoption of the minor, but only if expressly conferred on the guardian in accordance with Section 2-29, 3-30, or 4-27.

(8.1) "Juvenile court record" includes, but is not limited to:

(a) all documents filed in or maintained by the juvenile court pertaining to a specific incident, proceeding, or individual;

(b) all documents relating to a specific incident, proceeding, or individual made available to or maintained by probation officers;

(c) all documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings; or

(d) all documents, transcripts, records, reports, or other evidence prepared by, maintained by, or released by any municipal, county, or State agency or department, in any format, if indicating involvement with the juvenile court relating to a specific incident, proceeding, or individual.

(8.2) "Juvenile law enforcement record" includes records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense, and records maintained by a law enforcement agency that identifies a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any records created, maintained, or used for purposes of referral to programs relating to diversion as defined subsection (6) of Section 5-105.

(9) "Legal custody" means the relationship created by an order of court in the best interests of the minor which imposes on the custodian the responsibility of physical possession of a minor and the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, except as these are limited by residual parental rights and responsibilities and the rights and responsibilities of the guardian of the person, if any.

(9.1) "Mentally capable adult relative" means a person 21 years of age or older who is not suffering from a mental illness that prevents him or her from providing the care necessary to safeguard the physical safety and welfare of a minor who is left in that person's care by the parent or parents or other person responsible for the minor's welfare.

(10) "Minor" means a person under the age of 21 years subject to this Act.

(11) "Parent" means a father or mother of a child and includes any adoptive parent. It also includes a person (i) whose parentage is presumed or has been established under the law of this or another jurisdiction or (ii) who has registered with the Putative Father Registry in accordance with Section 12.1 of the Adoption Act and whose paternity has not been ruled out under the law of this or another jurisdiction. It does not include a parent whose rights in respect to the minor have been terminated in any manner provided by law. It does not include a person who has been or could be determined to be a parent under the Illinois Parentage Act of 1984 or the Illinois Parentage Act of 2015, or similar parentage law in any other state, if that person has been convicted of or pled nolo contendere to a crime that resulted in the conception of the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not subsection (c)) of Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, or similar statute in another jurisdiction unless upon motion of any party, other than the offender, to the juvenile court proceedings the court finds it is in the child's best interest to deem the offender a parent for purposes of the juvenile court proceedings.

(11.1) "Permanency goal" means a goal set by the court as defined in subdivision (2) of Section 2-28.

(11.2) "Permanency hearing" means a hearing to set the permanency goal and to review and determine (i) the appropriateness of the services contained in the plan and whether those services have been provided, (ii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iii) whether the plan and goal have been achieved.

(12) "Petition" means the petition provided for in Section 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions thereunder in Section 3-15, 4-12 or 5-520.

(12.1) "Physically capable adult relative" means a person 21 years of age or older who does not have a severe physical disability or medical condition, or is not suffering from alcoholism or drug addiction, that prevents him or her from providing the care necessary to safeguard the physical safety and welfare of a minor who is left in that person's care by the parent or parents or other person responsible for the minor's welfare.

(12.2) "Post Permanency Sibling Contact Agreement" has the meaning ascribed to the term in Section 7.4 of the Children and Family Services Act.

(12.3) "Residential treatment center" means a licensed setting that provides 24-hour care to children in a group home or institution, including a facility licensed as a child care institution under Section 2.06 of the Child Care Act of 1969, a licensed group home under Section 2.16 of the Child Care Act of 1969, a secure child care facility as defined in paragraph (18) of this Section, or any similar facility in another state. "Residential treatment center" does not include a relative foster home or a licensed foster family home.

(13) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation (which may be limited by the court in the best interests of the minor as provided in subsection (8)(b) of this Section), the right to consent to adoption, the right to determine the minor's religious affiliation, and the responsibility for his support.

(14) "Shelter" means the temporary care of a minor in physically unrestricting facilities pending court disposition or execution of court order for placement.

(14.05) "Shelter placement" means a temporary or emergency placement for a minor, including an emergency foster home placement.

(14.1) "Sibling Contact Support Plan" has the meaning ascribed to the term in Section 7.4 of the Children and Family Services Act.

(14.2) "Significant event report" means a written document describing an occurrence or event beyond the customary operations, routines, or relationships in the Department of Children of Family Services, a child care facility, or other entity that is licensed or regulated by the Department of Children of Family Services or that provides services for the Department of Children of Family Services under a grant, contract, or purchase of service agreement; involving children or youth, employees, foster parents, or relative caregivers; allegations of abuse or neglect or any other incident raising a concern about the well-being of a minor under the jurisdiction of the court under Article II of the Juvenile Court Act; incidents involving damage to property, allegations of criminal activity, misconduct, or other occurrences affecting the operations of the Department of Children of Family Services or a child care facility; any incident that could have media impact; and unusual incidents as defined by Department of Children and Family Services rule.

(15) "Station adjustment" means the informal handling of an alleged offender by a juvenile police officer.

(16) "Ward of the court" means a minor who is so adjudged under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the requisite jurisdictional facts, and thus is subject to the dispositional powers of the court under this Act.

(17) "Juvenile police officer" means a sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by his or her chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training approved by the Director of the Department of State Police.

(18) "Secure child care facility" means any child care facility licensed by the Department of Children and Family Services to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections. "Secure child care facility" also means a facility that is designed and operated to ensure that all entrances and exits from the facility, a building, or a distinct part of the building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building.

(Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17; 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff. 8-14-18.)

(705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

Sec. 1-7. Confidentiality of juvenile law enforcement and municipal ordinance violation records.

(A) All juvenile law enforcement records which have not been expunged are confidential ~~sealed~~ and may never be disclosed to the general public or otherwise made widely available. Juvenile law enforcement ~~Sealed~~ records may be obtained only under this Section and Section ~~Sections~~ 1-8 and Part 9 of Article V ~~5-915~~ of this Act, when their use is needed for good cause and with an order from the juvenile court, as required by those not authorized to retain them. Inspection , ~~and~~ copying , and disclosure of juvenile law enforcement records maintained by law enforcement agencies or records of municipal ordinance violations maintained by any State, local, or municipal agency that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday shall be restricted to the following:

(0.05) The minor who is the subject of the juvenile law enforcement record, his or her parents, guardian, and

counsel.

(0.10) Judges of the circuit court and members of the staff of the court designated by the judge.

(0.15) An administrative adjudication hearing officer or members of the staff designated to assist in the administrative adjudication process.

(1) Any local, State, or federal law enforcement officers or designated law enforcement staff of any jurisdiction or agency

when necessary for the discharge of their official duties during the investigation or prosecution of a crime or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang, or, when necessary for the discharge of its official duties in connection with a particular investigation of the conduct of a law enforcement officer, an independent agency or its staff created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers. For purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(2) Prosecutors, public defenders, probation officers, social workers, or other

individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors under ~~pursuant to~~ the order of the juvenile court, when essential to performing their responsibilities.

(3) Federal, State, or local prosecutors ~~Prosecutors~~, public defenders, ~~and~~ probation officers , and designated staff:

(a) in the course of a trial when institution of criminal proceedings has been

permitted or required under Section 5-805; ~~or~~

(b) when institution of criminal proceedings has been permitted or required under

Section 5-805 and the ~~such~~ minor is the subject of a proceeding to determine the amount of bail; ~~or~~

(c) when criminal proceedings have been permitted or required under Section 5-805

and the ~~such~~ minor is the subject of a pre-trial investigation, pre-sentence investigation, fitness hearing, or proceedings on an application for probation ; or ~~.~~

(d) in the course of prosecution or administrative adjudication of a violation of a traffic, boating, or fish and game law, or a county or municipal ordinance.

(4) Adult and Juvenile Prisoner Review Board.

(5) Authorized military personnel.

(5.5) Employees of the federal government authorized by law.

(6) Persons engaged in bona fide research, with the permission of the Presiding Judge ~~of the Juvenile Court~~ and the chief executive of the respective law enforcement agency; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the minor's record.

(7) Department of Children and Family Services child protection investigators acting in their official capacity.

(8) The appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds.

(A) Inspection and copying shall be limited to juvenile law enforcement records transmitted to the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:

(i) any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012;

(ii) a violation of the Illinois Controlled Substances Act;

(iii) a violation of the Cannabis Control Act;

(iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;

(v) a violation of the Methamphetamine Control and Community Protection Act;

(vi) a violation of Section 1-2 of the Harassing and Obscene Communications Act;

(vii) a violation of the Hazing Act; or

(viii) a violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of 1961 or the Criminal Code of 2012.

The information derived from the juvenile law enforcement records shall be kept separate from and shall not become a part of the official school record of that child and shall not be a public record. The information shall be used solely by the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. If the designated law enforcement and school officials deem it to be in the best interest of the minor, the student may be referred to in-school or community-based ~~community based~~ social services if those services are available. "Rehabilitation services" may include interventions by school support personnel, evaluation for eligibility for special education, referrals to community-based agencies such as youth services, behavioral healthcare service providers, drug and alcohol prevention or treatment programs, and other interventions as deemed appropriate for the student.

(B) Any information provided to appropriate school officials whom the school has determined to have a legitimate educational or safety interest by local law enforcement officials about a minor who is the subject of a current police investigation that is directly related to school safety shall consist of oral information only, and not written juvenile law enforcement records, and shall be used solely by the appropriate school official or officials to protect the safety of students and employees in the school and aid in the proper rehabilitation of the child. The information derived orally from the local law enforcement officials shall be kept separate from and shall not become a part of the official school record of the child and shall not be a public record. This limitation on the use of information about a minor who is the subject of a current police investigation shall in no way limit the use of this information by prosecutors in pursuing criminal charges arising out of the information disclosed during a police investigation of the minor. For purposes of this paragraph, "investigation" means an official systematic inquiry by a law enforcement agency into actual or suspected criminal activity.

(9) Mental health professionals on behalf of the ~~Illinois~~ Department of Corrections or the

Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of juvenile law enforcement records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the juvenile law enforcement records sought. Any juvenile law enforcement records and any information obtained from those juvenile law enforcement records under this paragraph (9) may be used only in sexually violent persons commitment proceedings.

(10) The president of a park district. Inspection and copying shall be limited to juvenile law enforcement records transmitted to the president of the park district by the Department of ~~Illinois~~ State Police under Section 8-23 of the Park District Code or Section 16a-5 of the Chicago Park District Act concerning a person who is seeking employment with that park district and who has been adjudicated a juvenile delinquent for any of the offenses listed in subsection (c) of Section 8-23 of the Park District Code or subsection (c) of Section 16a-5 of the Chicago Park District Act.

(11) Persons managing and designated to participate in a court diversion program as designated in subsection (6) of Section 5-105.

(12) The Public Access Counselor of the Office of the Attorney General, when reviewing juvenile law enforcement records under its powers and duties under the Freedom of Information Act.

(13) Collection agencies, contracted or otherwise engaged by a governmental entity, to collect any debts due and owing to the governmental entity.

(B)(1) Except as provided in paragraph (2), no law enforcement officer or other person or agency may knowingly transmit to the Department of Corrections, ~~or the~~ Department of State Police , or to the Federal Bureau of Investigation any fingerprint or photograph relating to a minor who has been arrested or taken into custody before his or her 18th birthday, unless the court in proceedings under this Act authorizes the transmission or enters an order under Section 5-805 permitting or requiring the institution of criminal proceedings.

(2) Law enforcement officers or other persons or agencies shall transmit to the Department of State Police copies of fingerprints and descriptions of all minors who have been arrested or taken into custody before their 18th birthday for the offense of unlawful use of weapons under Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, a Class X or Class 1 felony, a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012, or a Class 2 or greater felony under the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5 of the Criminal Identification Act. Information reported to the Department pursuant to this Section may be maintained with records that the Department files pursuant to Section 2.1 of the Criminal Identification Act. Nothing in this Act prohibits a law enforcement agency from fingerprinting a minor taken into custody or arrested before his or her 18th birthday for an offense other than those listed in this paragraph (2).

(C) The records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 18 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public. For purposes of obtaining documents under this Section, a civil subpoena is not an order of the court.

(1) In cases where the law enforcement, or independent agency, records concern a pending juvenile court case, the party seeking to inspect the records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought.

(2) In cases where the records concern a juvenile court case that is no longer pending, the party seeking to inspect the records shall provide actual notice to the minor or the minor's parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to this Act.

(3) In determining whether the records should be available for inspection, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. Any records obtained in violation of this subsection (C) shall not be admissible in any criminal or civil proceeding, or operate to disqualify a minor from subsequently holding public office or securing employment, or operate as a forfeiture of any public benefit, right, privilege, or right to receive any license granted by public authority.

(D) Nothing contained in subsection (C) of this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection and disclosure is conducted in the presence of a law enforcement officer for the purpose of the identification or apprehension of any person subject to the provisions of this Act or for the investigation or prosecution of any crime.

(E) Law enforcement officers, and personnel of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor.

(F) Nothing contained in this Section shall prohibit law enforcement agencies from communicating with each other by letter, memorandum, teletype, or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 18 years of age if there are reasonable grounds to believe that the person poses a real and present danger to the safety of the public or law enforcement officers. The information provided under this subsection (F) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(G) Nothing in this Section shall prohibit the right of a Civil Service Commission or appointing authority of any federal government, state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department from obtaining and examining the records of any law enforcement agency relating to any record of the applicant having been arrested or taken into custody before the applicant's 18th birthday.

(G-5) Information identifying victims and alleged victims of sex offenses shall not be disclosed or open to the public under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her own identity.

(H) The changes made to this Section by Public Act 98-61 apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(H-5) Nothing in this Section shall require any court or adjudicative proceeding for traffic, boating, fish and game law, or municipal and county ordinance violations to be closed to the public.

(I) Willful violation of this Section is a Class C misdemeanor and each violation is subject to a fine of $1,000. This subsection (I) shall not apply to the person who is the subject of the record.

(J) A person convicted of violating this Section is liable for damages in the amount of $1,000 or actual damages, whichever is greater.

(Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18; 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; revised 10-3-18.)

(705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

Sec. 1-8. Confidentiality and accessibility of juvenile court records.

(A) A juvenile adjudication shall never be considered a conviction nor shall an adjudicated individual be considered a criminal. Unless expressly allowed by law, a juvenile adjudication shall not operate to impose upon the individual any of the civil disabilities ordinarily imposed by or resulting from conviction. Unless expressly allowed by law, adjudications shall not prejudice or disqualify the individual in any civil service application or appointment, from holding public office, or from receiving any license granted by public authority. All juvenile court records which have not been expunged are sealed and may never be disclosed to the general public or otherwise made widely available. Sealed juvenile court records may be obtained only under this Section and Section 1-7 and Part 9 of Article V ~~Section 5-915~~ of this Act, when their use is needed for good cause and with an order from the juvenile court~~, as required by those not authorized to retain them~~. Inspection and copying of juvenile court records relating to a minor who is the subject of a proceeding under this Act shall be restricted to the following:

(1) The minor who is the subject of record, his or her parents, guardian, and counsel.

(2) Law enforcement officers and law enforcement agencies when such information is essential to executing an arrest or search warrant or other compulsory process, or to conducting an ongoing investigation or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang.

Before July 1, 1994, for the purposes of this Section, "criminal street gang" means any ongoing organization, association, or group of 3 or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts and that has a common name or common identifying sign, symbol or specific color apparel displayed, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.

Beginning July 1, 1994, for purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(3) Judges, hearing officers, prosecutors, public defenders, probation officers, social workers, or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition ~~predisposition~~ investigation, and individuals responsible for supervising or providing temporary or

permanent care and custody for minors under ~~pursuant to~~ the order of the juvenile court when essential to performing their responsibilities.

(4) Judges, federal, State, and local prosecutors, public defenders, ~~and~~ probation officers , and designated staff:

(a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805; ~~or~~

(b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the amount of bail; ~~or~~

(c) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a pre-trial investigation, pre-sentence investigation or fitness hearing, or proceedings on an application for probation; or

(d) when a minor becomes 18 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the amount of bail, a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.

(5) Adult and Juvenile Prisoner Review Boards.

(6) Authorized military personnel.

(6.5) Employees of the federal government authorized by law.

(7) Victims, their subrogees and legal representatives; however, such persons shall have access only to the name and address of the minor and information pertaining to the disposition or alternative adjustment plan of the juvenile court.

(8) Persons engaged in bona fide research, with the permission of the presiding judge of the juvenile court and the chief executive of the agency that prepared the particular records; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record.

(9) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 of the Illinois Vehicle Code. However, information reported relative to these offenses shall be privileged and available only to the Secretary of State, courts, and police officers.

(10) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court.

(11) Mental health professionals on behalf of the ~~Illinois~~ Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of juvenile court records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act, who is the subject of juvenile court records sought. Any records and any information obtained from those records under this paragraph (11) may be used only in sexually violent persons commitment proceedings.

(12) Collection agencies, contracted or otherwise engaged by a governmental entity, to collect any debts due and owing to the governmental entity.

(A-1) Findings and exclusions of paternity entered in proceedings occurring under Article II of this Act shall be disclosed, in a manner and form approved by the Presiding Judge of the Juvenile Court, to the Department of Healthcare and Family Services when necessary to discharge the duties of the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code.

(B) A minor who is the victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record.

(C) ~~Juvenile court records shall not be made available to the general public. For purposes of inspecting documents under this Section, a civil subpoena is not an order of the court.~~

(0.1) In cases where the records concern a pending juvenile court case, the requesting party seeking to inspect the juvenile court records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought.

(0.2) In cases where the juvenile court records concern a juvenile court case that is no longer pending, the requesting party seeking to inspect the juvenile court records shall provide actual notice to the minor or the minor's parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to this Act.

(0.3) In determining whether juvenile court records should be made available for inspection and whether inspection should be limited to certain parts of the file, the court shall consider the minor's interest in confidentiality and rehabilitation over the requesting party's interest in obtaining the information. The State's Attorney, the minor, and the minor's parents, guardian, and counsel shall at all times have the right to examine court files and records.

(0.4) Any records obtained in violation of this Section shall not be admissible in any criminal or civil proceeding, or operate to disqualify a minor from subsequently holding public office, or operate as a forfeiture of any public benefit, right, privilege, or right to receive any license granted by public authority.

(D) Pending or following any adjudication of delinquency for any offense defined in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, the victim of any such offense shall receive the rights set out in Sections 4 and 6 of the Bill of Rights for Victims and Witnesses of Violent Crime Act; and the juvenile who is the subject of the adjudication, notwithstanding any other provision of this Act, shall be treated as an adult for the purpose of affording such rights to the victim.

(E) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority of the federal government, or any ~~any~~ state, county , or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records of disposition or evidence which were made in proceedings under this Act.

(F) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the Criminal Code of 2012, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the dispositional order to the principal or chief administrative officer of the school. Access to the dispositional order ~~such juvenile records~~ shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him or her.

(G) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

(H) When a court ~~Court~~ hearing a proceeding under Article II of this Act becomes aware that an earlier proceeding under Article II had been heard in a different county, that court ~~Court~~ shall request, and the court ~~Court~~ in which the earlier proceedings were initiated shall transmit, an authenticated copy of the juvenile court ~~Court~~ record, including all documents, petitions, and orders filed ~~therein~~ and the minute orders, transcript of proceedings, and docket entries of the court ~~Court~~.

(I) The Clerk of the Circuit Court shall report to the Department of State Police, in the form and manner required by the Department of State Police, the final disposition of each minor who has been arrested or taken into custody before his or her 18th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information reported to the Department under this Section may be maintained with records that the Department files under Section 2.1 of the Criminal Identification Act.

(J) The changes made to this Section by Public Act 98-61 apply to juvenile law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(K) Willful violation of this Section is a Class C misdemeanor and each violation is subject to a fine of $1,000. This subsection (K) shall not apply to the person who is the subject of the record.

(L) A person convicted of violating this Section is liable for damages in the amount of $1,000 or actual damages, whichever is greater.

(Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18; revised 10-3-18.)

(705 ILCS 405/1-9) (from Ch. 37, par. 801-9)

Sec. 1-9. Expungement of law enforcement and juvenile court records.

(1) Expungement of law enforcement and juvenile court delinquency records shall be governed by Part 9 of Article V of this Act ~~Section 5-915~~.

(2) This subsection (2) applies to expungement of law enforcement and juvenile court records other than delinquency proceedings. Whenever any person has attained the age of 18 or whenever all juvenile court proceedings relating to that person have been terminated, whichever is later, the person may petition the court to expunge law enforcement records relating to incidents occurring before his 18th birthday or his juvenile court records, or both, if the minor was placed under supervision pursuant to Sections 2-20, 3-21, or 4-18, and such order of supervision has since been successfully terminated.

(3) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding pursuant to subsection (2) of this Section, order the law enforcement records or juvenile court records, or both, to be expunged from the official records of the arresting authority

and the clerk of the circuit court. Notice of the petition shall be served upon the State's Attorney and upon the arresting authority which is the subject of the petition for expungement.

(4) The changes made to this Section by this amendatory Act of the 98th General Assembly apply to law enforcement and juvenile court records of a minor who has been arrested or taken into custody on or after the effective date of this amendatory Act.

(Source: P.A. 98-61, eff. 1-1-14.)

(705 ILCS 405/5-915)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-915. Expungement of juvenile law enforcement and juvenile court records.

(0.05) (Blank). ~~For purposes of this Section:~~

~~"Dissemination" or "disseminate" means to publish, produce, print, manufacture, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.~~

~~"Expunge" means to physically destroy the records and to obliterate the minor's name and juvenile court records from any official index, public record, or electronic database. No evidence of the juvenile court records may be retained by any law enforcement agency, the juvenile court, or by any municipal, county, or State agency or department. Nothing in this Act shall require the physical destruction of the internal office records, files, or databases maintained by a State's Attorney's Office or other prosecutor, public defender, probation officer, or by the Office of the Secretary of State.~~

~~"Juvenile court record" includes, but is not limited to:~~

~~(a) all documents filed in or maintained by the juvenile court pertaining to a specific incident, proceeding, or individual;~~

~~(b) all documents relating to a specific incident, proceeding, or individual made available to or maintained by probation officers;~~

~~(c) all documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings; or~~

~~(d) all documents, transcripts, records, reports or other evidence prepared by, maintained by, or released by any municipal, county, or State agency or department, in any format, if indicating involvement with the juvenile court relating to a specific incident, proceeding, or individual.~~

~~"Law enforcement record" includes, but is not limited to, records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense or evidence of interaction with law enforcement.~~

(0.1) (a) Except as otherwise provided in subsection (0.15) of this Section, the ~~The~~ Department of State Police and all law enforcement agencies within the State shall automatically expunge, on or before January 1 of each year, 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 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.

(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 Department of 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 ~~in an intelligence file~~ until the statute of limitations for the felony has expired. 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 ~~the investigation is terminated or for one additional year, whichever is sooner~~. 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 Department of 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 ~~For the purposes of~~ 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) ~~Nothing in this subsection (1) precludes an eligible minor from obtaining expungement under subsection (0.1), (0.2), or (0.3).~~ 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 Department of 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 ~~pursuant to~~ 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 Department of State Police shall allow a person to use the Access and Review process, established in the Department of 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:

(a) (blank); or

(b) 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 or 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). ~~The petition for expungement for subsection (1) and (2) may include multiple offenses on the same petition and shall be substantially in the following form:~~

~~IN THE CIRCUIT COURT OF ....., ILLINOIS~~
~~..... JUDICIAL CIRCUIT~~

~~IN THE INTEREST OF) NO.~~
~~)~~
~~)~~
~~.....)~~
~~(Name of Petitioner)~~

~~PETITION TO EXPUNGE JUVENILE RECORDS~~
~~(705 ILCS 405/5-915 (SUBSECTION 1 AND 2))~~

~~Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner was arrested on ..... by the ..... Police Department for the offense or offenses of ....., and:~~
~~(Check All That Apply:)~~
~~( ) a. no petition or petitions were filed with the Clerk of the Circuit Court.~~
~~( ) b. was charged with ..... and was found not delinquent of the offense or offenses.~~
~~( ) c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on .....~~
~~( ) d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .....~~
~~( ) e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.~~
~~( ) f. was adjudicated for a Class A misdemeanor or felony, except 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, and 2 years have passed since the case was closed.~~
~~Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:~~
~~Charge(s): .....~~
~~Arresting Agency or Agencies: .....~~
~~Disposition/Result: (choose from a. through f., above): .....~~
~~WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident or incidents, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident or incidents.~~

~~.....~~
~~Petitioner (Signature)~~

~~.....~~
~~Petitioner's Street Address~~

~~.....~~
~~City, State, Zip Code~~

~~.....~~
~~Petitioner's Telephone Number~~

~~Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.~~

~~.....~~
~~Petitioner (Signature)~~

(3) (Blank). ~~The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition~~

shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 45 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 45-day objection period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 45 days of the notice, the court may enter an order granting expungement. The clerk shall forward a certified copy of the order to the Department of State Police and deliver a certified copy of the order to the arresting agency.

(3.1) (Blank). The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

.... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.

)

)

.....)

(Name of Petitioner)

NOTICE

TO: State's Attorney

TO: Arresting Agency

.....

.....

.....

.....

TO: Illinois State Police

.....

.....

ATTENTION: Expungement

You are hereby notified that on ....., at ....., in courtroom ..., located at ..., before the Honorable ..., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

.....

Petitioner's Signature

.....

Petitioner's Street Address

.....

City, State, Zip Code

.....

Petitioner's Telephone Number

PROOF OF SERVICE

On the ..... day of ....., 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:

(Check One:)

delivering copies personally to each entity to whom they are directed;

or

by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at .....

.....

Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....

Address: .....

Telephone Number: .....

(3.2) (Blank). The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

.... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.

)

~~)~~
~~.....)(Name of Petitioner)~~

~~DOB .....~~
~~Arresting Agency/Agencies .....~~

~~ORDER OF EXPUNGEMENT~~
~~(705 ILCS 405/5-915 (SUBSECTION 3))~~

~~This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:~~

~~( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.~~

~~( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated ..... for the offense of .....~~

~~Law Enforcement Agencies:~~
~~.....~~
~~.....~~

~~( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.~~

~~ENTER: .....~~
~~JUDGE~~
~~DATED: .....~~
~~Name:~~
~~Attorney for:~~
~~Address: City/State/Zip:~~
~~Attorney Number:~~

(3.3) (Blank). ~~The Notice of Objection shall be in substantially the following form:~~

~~IN THE CIRCUIT COURT OF ....., ILLINOIS~~
~~..... JUDICIAL CIRCUIT~~

~~IN THE INTEREST OF) NO.~~
~~)~~
~~)~~
~~.....)~~
~~(Name of Petitioner)~~

~~NOTICE OF OBJECTION~~

~~TO:(Attorney, Public Defender, Minor)~~
~~.....~~
~~.....~~
~~TO:(Illinois State Police)~~
~~.....~~
~~.....~~
~~TO:(Clerk of the Court)~~
~~.....~~
~~.....~~
~~TO:(Judge)~~
~~.....~~
~~.....~~
~~TO:(Arresting Agency/Agencies)~~
~~.....~~
~~.....~~

~~ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:~~
~~( ) State's Attorney's Office;~~
~~( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;~~
~~( ) Department of Illinois State Police; or~~
~~( ) Arresting Agency or Agencies.~~
~~The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted.~~

~~DATED: .....~~
~~Name:~~
~~Attorney For:~~
~~Address:~~
~~City/State/Zip:~~
~~Telephone:~~
~~Attorney No.:~~

~~FOR USE BY CLERK OF THE COURT PERSONNEL ONLY~~

~~This matter has been set for hearing on the foregoing objection, on ..... in room ...., located at ....., before the Honorable ....., Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case).~~

~~A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):~~

~~( ) Attorney, Public Defender or Minor;~~
~~( ) State's Attorney's Office;~~
~~( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;~~
~~( ) Department of Illinois State Police; and~~
~~( ) Arresting agency or agencies.~~
~~Date: .....~~
~~Initials of Clerk completing this section: .....~~

(4) (Blank). ~~(a) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person.~~

~~(a-5) Local law enforcement agencies shall send written notice to the minor of the expungement of any records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies. If a minor's court file has been expunged, the clerk of the circuit court shall send written notice to the minor of the expungement of any records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies.~~

~~(b) Except with respect to authorized military personnel, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment within the State must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest. Employers may not ask, in any format or context, if an applicant has had a juvenile record expunged. Information about an expunged record obtained by a potential employer, even inadvertently, from an employment application that does not contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest, shall be treated as dissemination of an expunged record by the employer.~~

~~(c) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement.~~

(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 person who is the ~~individual~~ subject of ~~to~~ the records.

(6) (Blank). ~~Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the individual. This information may only be used for anonymous statistical and bona fide research purposes.~~

(6.5) The Department of State Police or any employee of the Department 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 Department of State Police liability or responsibility for the expungement of juvenile law enforcement records it does not possess.

(7) (Blank). ~~(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.~~

~~(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:~~

~~(i) An explanation of the State's juvenile expungement laws, including both automatic expungement and expungement by petition;~~

~~(ii) The circumstances under which juvenile expungement may occur;~~

~~(iii) The juvenile offenses that may be expunged;~~

~~(iv) The steps necessary to initiate and complete the juvenile expungement process; and~~

~~(v) Directions on how to contact the State Appellate Defender.~~

~~(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.~~

~~(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.~~

~~(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.~~

(7.5) (Blank). ~~(a) Willful dissemination of any information contained in an expunged record shall be treated as a Class C misdemeanor and punishable by a fine of $1,000 per violation.~~

~~(b) Willful dissemination for financial gain of any information contained in an expunged record shall be treated as a Class 4 felony. Dissemination for financial gain by an employee of any municipal, county, or State agency, including law enforcement, shall result in immediate termination.~~

~~(c) The person whose record was expunged has a right of action against any person who intentionally disseminates an expunged record. In the proceeding, punitive damages up to an amount of $1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to costs and reasonable attorney fees.~~

~~(d) The punishments for dissemination of an expunged record shall never apply to the person whose record was expunged.~~

(8)(a) (Blank). ~~An expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication, conviction, or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication, arrest, or conviction.~~

(b) (Blank).

(c) The expungement of juvenile law enforcement or juvenile court records under subsection (0.1), (0.2), or (0.3) ~~0.1, 0.2, or 0.3~~ of this Section shall be funded by the additional fine imposed under Section 5-9-1.17 of the Unified Code of Corrections.

(9) (Blank).

(10) (Blank).

(Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff. 8-3-18; 100-863, eff. 8-14-18.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-915. Expungement of juvenile law enforcement and juvenile court records.

(0.05) (Blank). ~~For purposes of this Section:~~

~~"Dissemination" or "disseminate" means to publish, produce, print, manufacture, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.~~

~~"Expunge" means to physically destroy the records and to obliterate the minor's name and juvenile court records from any official index, public record, or electronic database. No evidence of the juvenile court records may be retained by any law enforcement agency, the juvenile court, or by any municipal, county,~~

~~or State agency or department. Nothing in this Act shall require the physical destruction of the internal office records, files, or databases maintained by a State's Attorney's Office or other prosecutor, public defender, probation officer, or by the Office of the Secretary of State.~~

~~"Juvenile court record" includes, but is not limited to:~~

~~(a) all documents filed in or maintained by the juvenile court pertaining to a specific incident, proceeding, or individual;~~

~~(b) all documents relating to a specific incident, proceeding, or individual made available to or maintained by probation officers;~~

~~(c) all documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings; or~~

~~(d) all documents, transcripts, records, reports or other evidence prepared by, maintained by, or released by any municipal, county, or State agency or department, in any format, if indicating involvement with the juvenile court relating to a specific incident, proceeding, or individual.~~

~~"Law enforcement record" includes, but is not limited to, records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense or evidence of interaction with law enforcement.~~

(0.1) (a) The Department of State Police and all law enforcement agencies within the State shall automatically expunge, on or before January 1 of each year, 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 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.

(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 Department of 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 ~~in an intelligence file~~ 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 ~~the investigation is terminated or for one additional year, whichever~~

~~is sooner~~. 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 Department of 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 ~~For the purposes of~~ 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) ~~Nothing in this subsection (1) precludes an eligible minor from obtaining expungement under subsection (0.1), (0.2), or (0.3).~~ 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 Department of 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 ~~pursuant to~~ 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 Department of State Police shall allow a person to use the Access and Review process, established in the Department of 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:

(a) (blank); or

(b) 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 or 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). ~~The petition for expungement for subsection (1) and (2) may include multiple offenses on the same petition and shall be substantially in the following form:~~

~~IN THE CIRCUIT COURT OF ....., ILLINOIS~~

~~..... JUDICIAL CIRCUIT~~

~~IN THE INTEREST OF) NO.~~

~~)~~

~~)~~

~~.....)~~

~~(Name of Petitioner)~~

~~PETITION TO EXPUNGE JUVENILE RECORDS~~

~~(705 ILCS 405/5-915 (SUBSECTION 1 AND 2))~~

~~Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner was arrested on ..... by the ..... Police Department for the offense or offenses of ....., and:~~

~~(Check All That Apply:)~~

~~( ) a. no petition or petitions were filed with the Clerk of the Circuit Court.~~

~~( ) b. was charged with ..... and was found not delinquent of the offense or offenses.~~

( ) c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on .....
( ) d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .....
( ) e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.
( ) f. was adjudicated for a Class A misdemeanor or felony, except 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, and 2 years have passed since the case was closed.
Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:
Charge(s): .....
Arresting Agency or Agencies: .....
Disposition/Result: (choose from a. through f., above): .....
WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident or incidents, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident or incidents.

.....
Petitioner (Signature)

.....
Petitioner's Street Address

.....
City, State, Zip Code

.....
Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

.....
Petitioner (Signature)

(3) (Blank). The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 45 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 45-day objection period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 45 days of the notice, the court may enter an order granting expungement. The clerk shall forward a certified copy of the order to the Department of State Police and deliver a certified copy of the order to the arresting agency.

(3.1) (Blank). The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS
.... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.
)
)
.....)
(Name of Petitioner)

NOTICE

TO: State's Attorney
TO: Arresting Agency
.....
.....
.....
.....
TO: Illinois State Police
.....
.....
ATTENTION: Expungement
You are hereby notified that on ....., at ....., in courtroom ..., located at ..., before the Honorable ..., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

.....
Petitioner's Signature
.....
Petitioner's Street Address
.....
City, State, Zip Code
.....
Petitioner's Telephone Number

PROOF OF SERVICE

On the ..... day of ....., 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:
(Check One:)
delivering copies personally to each entity to whom they are directed;
or
by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at .....

.....
Signature
Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....
Address: .....
Telephone Number: .....

(3.2) (Blank). The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS
.... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.
)
)
.....)
(Name of Petitioner)

DOB .....
Arresting Agency/Agencies .....

ORDER OF EXPUNGEMENT
(705 ILCS 405/5-915 (SUBSECTION 3))

This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.

( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated ..... for the offense of .....

Law Enforcement Agencies:

.....

.....

( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.

ENTER: .....

JUDGE
DATED: .....
Name:
Attorney for:
Address: City/State/Zip:
Attorney Number:

(3.3) (Blank). The Notice of Objection shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

..... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.
)
)
.....)
(Name of Petitioner)

NOTICE OF OBJECTION

TO:(Attorney, Public Defender, Minor)
.....
.....
TO:(Illinois State Police)
.....
.....
TO:(Clerk of the Court)
.....
.....
TO:(Judge)
.....
.....
TO:(Arresting Agency/Agencies)
.....
.....

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:
( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; or
( ) Arresting Agency or Agencies.
The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted.
DATED: .....
Name:
Attorney For:
Address:
City/State/Zip:
Telephone:
Attorney No.:

FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

This matter has been set for hearing on the foregoing objection, on ..... in room ...., located at ....., before the Honorable ....., Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case).
A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):

~~( ) Attorney, Public Defender or Minor;~~
~~( ) State's Attorney's Office;~~
~~( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;~~
~~( ) Department of Illinois State Police; and~~
~~( ) Arresting agency or agencies.~~
~~Date: .....~~
~~Initials of Clerk completing this section: .....~~

(4) (Blank). ~~(a) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person.~~

~~(a-5) Local law enforcement agencies shall send written notice to the minor of the expungement of any records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies. If a minor's court file has been expunged, the clerk of the circuit court shall send written notice to the minor of the expungement of any records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies.~~

~~(b) Except with respect to authorized military personnel, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment within the State must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest. Employers may not ask, in any format or context, if an applicant has had a juvenile record expunged. Information about an expunged record obtained by a potential employer, even inadvertently, from an employment application that does not contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest, shall be treated as dissemination of an expunged record by the employer.~~

~~(c) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement.~~

(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). ~~Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the individual. This information may only be used for anonymous statistical and bona fide research purposes.~~

(6.5) The Department of State Police or any employee of the Department 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 Department of State Police liability or responsibility for the expungement of juvenile law enforcement records it does not possess.

(7) (Blank). ~~(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.~~

~~(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:~~

~~(i) An explanation of the State's juvenile expungement laws, including both automatic expungement and expungement by petition;~~

~~(ii) The circumstances under which juvenile expungement may occur;~~

~~(iii) The juvenile offenses that may be expunged;~~

~~(iv) The steps necessary to initiate and complete the juvenile expungement process; and~~

~~(v) Directions on how to contact the State Appellate Defender.~~

~~(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.~~

~~(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.~~

~~(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.~~

(7.5) (Blank). ~~(a) Willful dissemination of any information contained in an expunged record shall be treated as a Class C misdemeanor and punishable by a fine of $1,000 per violation.~~

~~(b) Willful dissemination for financial gain of any information contained in an expunged record shall be treated as a Class 4 felony. Dissemination for financial gain by an employee of any municipal, county, or State agency, including law enforcement, shall result in immediate termination.~~

~~(c) The person whose record was expunged has a right of action against any person who intentionally disseminates an expunged record. In the proceeding, punitive damages up to an amount of $1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to costs and reasonable attorney fees.~~

~~(d) The punishments for dissemination of an expunged record shall never apply to the person whose record was expunged.~~

(8)(a) (Blank). ~~An expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication, conviction, or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication, arrest, or conviction.~~

(b) (Blank).

(c) The expungement of juvenile law enforcement or juvenile court records under subsection (0.1), (0.2), or (0.3) ~~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. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; revised 10-3-18.)

(705 ILCS 405/5-920 new)

Sec. 5-920. Petitions for expungement.

(a) The petition for expungement for subsections (1) and (2) of Section 5-915 may include multiple offenses on the same petition and shall be substantially in the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

..... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.

)

)

.....)

(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

Section 5-915 of the Juvenile Court Act of 1987 (Subsections 1 and 2))

Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner was arrested on ..... by the ..... Police Department for the offense or offenses of ....., and:

(Check All That Apply:)

( ) a. no petition or petitions were filed with the Clerk of the Circuit Court.

( ) b. was charged with ..... and was found not delinquent of the offense or offenses.

( ) c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on .....

( ) d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .....

( ) e. was adjudicated for the offense or offenses, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.

( ) f. was adjudicated for a Class A misdemeanor or felony, except 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, and 2 years have passed since the case was closed.

Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s): .....

Arresting Agency or Agencies: .....

Disposition/Result: (choose from a. through f., above): .....

WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident or incidents, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident or incidents.

.....
Petitioner (Signature)

.....
Petitioner's Street Address

.....
City, State, Zip Code

.....
Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

.....
Petitioner (Signature)

(b) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of Section 5-915, order the juvenile law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose juvenile law enforcement record, juvenile court record, or both, are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 45 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 45-day objection period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 45 days of the notice, the court may enter an order granting expungement. The clerk shall forward a certified copy of the order to the Department of State Police and deliver a certified copy of the order to the arresting agency.

(c) The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS
.... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.
)
)
.....)
(Name of Petitioner)

NOTICE

TO: State's Attorney
TO: Arresting Agency
.....

.....
.....
.....
TO: Illinois State Police
.....
.....
ATTENTION: Expungement
You are hereby notified that on ....., at ....., in courtroom ..., located at ..., before the Honorable ..., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

.....
Petitioner's Signature
.....
Petitioner's Street Address
.....
City, State, Zip Code
.....
Petitioner's Telephone Number

PROOF OF SERVICE

On the ..... day of ....., 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:
(Check One:)
delivering copies personally to each entity to whom they are directed;
or
by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at .....

.....
Signature
Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....
Address: .....
Telephone Number: .....

(d) The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS
.... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.
)
)
.....)
(Name of Petitioner)

DOB .....
Arresting Agency/Agencies .....

ORDER OF EXPUNGEMENT
Section 5-920 of the Juvenile Court Act of 1987 (Subsection c))

This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.

( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated ..... for the offense of .....

Law Enforcement Agencies:
.....
.....

( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.

ENTER: .....
JUDGE

DATED: .....
Name:
Attorney for:
Address: City/State/Zip:
Attorney Number:

(e) The Notice of Objection shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS
..... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.
)
)
.....)
(Name of Petitioner)

NOTICE OF OBJECTION

TO:(Attorney, Public Defender, Minor)
.....
.....
TO:(Illinois State Police)
.....
.....
TO:(Clerk of the Court)
.....
.....
TO:(Judge)
.....
.....
TO:(Arresting Agency/Agencies)
.....
.....

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:
( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; or
( ) Arresting Agency or Agencies.
The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted.
DATED: .....
Name:
Attorney For:
Address:
City/State/Zip:
Telephone:
Attorney No.:

FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

This matter has been set for hearing on the foregoing objection, on ..... in room ...., located at ....., before the Honorable ....., Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case).
A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):
( ) Attorney, Public Defender or Minor;
( ) State's Attorney's Office;
( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
( ) Department of Illinois State Police; and

( ) Arresting agency or agencies.
Date: .....
Initials of Clerk completing this section: .....

(705 ILCS 405/5-923 new)

Sec. 5-923. Dissemination and retention of expunged records.

(a) Upon entry of an order expunging the juvenile law enforcement record or juvenile court record, or both, the records or files for that offense shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person. A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement.

(b) Local law enforcement agencies shall send written notice to the minor of the expungement of any juvenile law enforcement records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies. If a minor's court file has been expunged, the clerk of the circuit court shall send written notice to the minor of the expungement of any juvenile court records records within 60 days of automatic expungement or the date of service of an expungement order, whichever applies. Notice to minors of the expungement of any juvenile law enforcement records created prior to 2016 may be satisfied by public notice. The names of persons whose records are being expunged shall not be published in this public notice.

(c) Except with respect to authorized military personnel, an expunged juvenile law enforcement record or expunged juvenile court record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment within the State must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest. Employers may not ask, in any format or context, if an applicant has had a juvenile record expunged. Information about an expunged record obtained by a potential employer, even inadvertently, from an employment application that does not contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication or arrest, shall be treated as dissemination of an expunged record by the employer. The Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile law enforcement or juvenile court record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of adjudication, arrest, or conviction.

(d) Nothing in this Act shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the individual. This information may only be used for anonymous statistical and bona fide research purposes.

(d-5) The expungement of juvenile law enforcement or juvenile court records shall not be subject to the record retention provisions of the Local Records Act.

(d-10) No evidence of the juvenile law enforcement or juvenile court records may be retained by any law enforcement agency, the juvenile court, or by any municipal, county, or State agency or department unless specifically authorized by this Act. However, non-personal identifying data of a statistical, crime, or trend analysis nature such as the date, time, location of incident, offense type, general demographic information, including gender, race, and ethnicity information and all other similar information that does not identify a specific individual may be retained. Nothing in this Act shall require the physical destruction of the internal office records, files, or databases maintained by a State's Attorney's Office or other prosecutor, a public defender, a probation officer, or the Office of the Secretary of State.

(e) Willful dissemination of any information contained in an expunged record shall be treated as a Class C misdemeanor and punishable by a fine of $1,000 per violation. Willful dissemination for financial gain of any information contained in an expunged record shall be treated as a Class 4 felony. Dissemination for financial gain by an employee of any municipal, county, or State agency, including law enforcement, shall result in immediate termination. The person whose record was expunged has a right of action against any person who intentionally disseminates an expunged record. In the proceeding, punitive damages up to an amount of $1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to costs and reasonable attorney fees. The punishments for dissemination of an expunged record shall never apply to the person whose record was expunged.

(705 ILCS 405/5-925 new)

Sec. 5-925. State Appellate Defender Program juvenile expungement program.

(a) The State Appellate Defender shall establish, maintain, and carry out a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile law enforcement or juvenile court records expunged.

(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:

(1) an explanation of the State's juvenile expungement laws, including both automatic expungement and expungement by petition;

(2) the circumstances under which juvenile expungement may occur;

(3) the juvenile offenses that may be expunged;

(4) the steps necessary to initiate and complete the juvenile expungement process; and

(5) directions on how to contact the State Appellate Defender.

(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile law enforcement or juvenile court records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile law enforcement or court records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.

(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.

(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.

Section 95. 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 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1993**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3102

A bill for AN ACT concerning business.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 3102

Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3102

AMENDMENT NO. 1. Amend Senate Bill 3102 by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2VVV as follows:

(815 ILCS 505/2VVV)

Sec. 2VVV. Deceptive marketing, advertising, and sale of mental health disorder and substance use disorder treatment.

(a) As used in this Section:

"Facility" has the meaning ascribed to that term in Section 1-10 of the Substance Use Disorder ~~Alcoholism and Other Drug Abuse and Dependency~~ Act when used in reference to a facility that provides substance use disorder treatment. "Facility" has the same meaning as "mental health facility" under Section

1-114 of the Mental Health and Developmental Disabilities Code when used in reference to a facility that provides mental health disorder treatment.

"Hospital affiliate" has the meaning ascribed to that term in Section 10.8 of the Hospital Licensing Act.

"Mental health disorder" has the same meaning as "mental illness" under Section 1-129 of the Mental Health and Developmental Disabilities Code.

"Program" means a licensable or fundable activity or service, or a coordinated range of such activities or services, established or licensed by the Department of Human Services. ~~has the meaning ascribed to that term in Section 1-10 of the Alcoholism and Other Drug Abuse and Dependency Act.~~

"Substance use disorder" has the same meaning as "substance abuse" under Section 1-10 of the Substance Use Disorder ~~Alcoholism and Other Drug Abuse and Dependency~~ Act.

"Treatment" has the meaning ascribed to that term in Section 1-10 of the Substance Use Disorder ~~Alcoholism and Other Drug Abuse and Dependency~~ Act when used in reference to treatment for a substance use disorder. "Treatment" has the meaning ascribed to that term in Section 1-128 of the Mental Health and Developmental Disabilities Code when used in reference to treatment for a mental health disorder.

(b) It is an unlawful practice for any person to engage in misleading or false advertising or promotion that misrepresents the need to seek mental health disorder or substance use disorder treatment outside of the State of Illinois.

(c) Any marketing, advertising, promotional, or sales materials directed to Illinois residents concerning mental health disorder or substance use disorder treatment must:

(1) prominently display or announce the full physical address of the treatment program or facility;

(2) display whether the treatment program or facility is licensed in the State of Illinois;

(3) display whether the treatment program or facility has locations in Illinois;

(4) display whether the services provided by the treatment program or facility are covered by an insurance policy issued to an Illinois resident;

(5) display whether the treatment program or facility is an in-network or out-of-network provider;

(6) include a link to the Internet website for the Department of Human Services' Division of Mental Health and Division of Substance Use Prevention and Recovery ~~Alcoholism and Substance Abuse~~, or any successor State agency that provides information regarding licensed providers of services; and

(7) disclose that mental health disorder and substance use disorder treatment may be available at a reduced cost or for free for Illinois residents within the State of Illinois.

(d) It is an unlawful practice for any person to enter into an arrangement under which a patient seeking mental health disorder or substance use disorder treatment is referred to a mental health disorder or substance use disorder treatment program or facility in exchange for a fee, a percentage of the treatment program's or facility's revenues that are related to the patient, or any other remuneration that takes into account the volume or value of the referrals to the treatment program or facility. Such practice shall also be considered a violation of the prohibition against fee splitting in Section 22.2 of the Medical Practice Act of 1987 and a violation of the Health Care Worker Self-Referral Act. This Section does not apply to health insurance companies, health maintenance organizations, managed care plans, or organizations, including hospitals and hospital affiliates licensed in Illinois.

(Source: P.A. 100-1058, eff. 1-1-19; revised 10-9-18.)

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

Under the rules, the foregoing **Senate Bill No. 3102**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 3549

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 3549
Passed the House, as amended, November 28, 2018.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL

AMENDMENT NO. 1. Amend Senate Bill 3549 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Underground Natural Gas Storage Safety Act.

Section 5. Definitions. As used in this Act, unless the context otherwise requires:

"Commission" means the Illinois Commerce Commission.

"Contaminant" means gas, salt water, or any other deleterious substance released from an underground natural gas storage facility.

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

"Downhole" means the portion of the underground natural gas storage facility from the first flange attaching the wellhead to the pipeline equipment and continuing down the well casing to and including the storage reservoir.

"Federal Act" has the meaning given to that term in the Illinois Gas Pipeline Safety Act.

"Gas" means natural gas.

"Notice of probable violation" means a written notice, satisfying the criteria set forth in Section 35, given by the underground natural gas storage safety manager to a person who operates an underground natural gas storage facility that identifies a failure of such person to comply with the provisions of this Act or the provisions of 49 U.S.C. Chapter 601 concerning underground natural gas storage facilities, or any Department order or rule issued under this Act, and may include recommendations for a penalty in connection therewith, subject to the terms of this Act.

"Person" means an individual, firm, joint venture, partnership, corporation, company, limited liability company, firm, association, municipality, cooperative association, or joint stock association. "Person" includes a trustee, receiver, assignee, or personal representative thereof.

"Underground natural gas storage facility" means a gas pipeline facility that stores natural gas in an underground facility, including a depleted hydrocarbon reservoir, an aquifer reservoir, and a solution-mined salt cavern reservoir.

"Underground natural gas storage safety manager" means the manager of the Department's Underground Natural Gas Storage Safety Program or other staff of the Department assigned to underground natural gas storage safety issues.

Section 10. Minimum safety standards.

(a) As soon as practicable, but not later than 3 months after the effective date of this Act, the Department shall adopt rules establishing minimum safety standards for underground natural gas storage facilities. Such rules shall be at least as inclusive, stringent, and compatible with the minimum safety standards adopted by the Secretary of Transportation under 49 U.S.C. 60141. Thereafter, the Department shall maintain such rules so that the rules are at least as inclusive, stringent, and compatible with the minimum standards from time to time in effect under 49 U.S.C. 60141.

(b) Standards established under this Section may apply to the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of underground natural gas storage facilities. In accordance with 49 U.S.C. 60104(b), standards affecting the design, installation, construction, initial inspection, and initial testing are not applicable to underground natural gas storage facilities in existence on the date the standards are adopted. If the Department finds that a facility is hazardous to life or property, it may require the person operating the facility to take the steps necessary to remove the hazard.

(c) Standards established by the Department under this Act shall, subject to subsections (a) and (b), be practicable and designed to meet the need for underground natural gas storage facility safety. In prescribing the standards, the Department shall consider 49 U.S.C. 60141(b).

Section 15. Waiver. Subject to 49 U.S.C. 60118(d), the Department may, upon application by any person operating an underground natural gas storage facility, waive in whole or in part compliance with any

standard established under this Act if it determines that such a waiver is consistent with the safety of underground natural gas storage facilities.

Section 20. Inspection and maintenance plan. A person who operates an underground natural gas storage facility shall file with the Department a plan for inspection and maintenance of the downhole portion of each underground natural gas storage facility owned or operated by the person, as well as any changes in the plan, in accordance with rules prescribed by the Department. The Department may, by rule, also require the person to file the plan for approval. If the Department finds, at any time, that the plan is inadequate to achieve safe operation, the Department shall, after notice and opportunity for a hearing, require the plan to be revised. The plan required by the Department under this Section must be practicable and designed to meet the need for the safety of underground natural gas storage facilities. In determining the adequacy of a plan, the Department shall consider: (i) relevant available underground natural gas storage facility safety data; (ii) whether the plan is appropriate for the particular type of facility; (iii) the reasonableness of the plan; and (iv) the extent to which the plan will contribute to public safety.

Section 25. Requirements; underground natural gas storage facility operation. A person who operates an underground natural gas storage facility shall: (1) after the date any applicable safety standard established under this Act takes effect, comply with the requirements of such standard at all times; (2) file and comply with the plan of inspection and maintenance required by Section 20; (3) keep records, make reports, provide information, and permit inspection of its books, records, and facilities as the Department reasonably requires to ensure compliance with this Act and the rules established under this Act; and (4) file with the Department, under rules adopted by the Department, reports of all accidents involving or related to the downhole portion of an underground natural gas storage facility.

Section 30. Penalties; action for penalties; Department approval of penalties.

(a) A person who violates Section 25 or any rule or order issued under this Act is subject to a civil penalty not to exceed the maximum penalties established by 49 U.S.C. 60122(a)(1) for each day the violation persists.

(b) Any civil penalty may be compromised by the Department or, subject to this Act, by the underground natural gas storage safety manager. In determining the amount of the penalty, the Department shall consider the standards set forth in 49 U.S.C. 60122(b). The final amount of the penalty or the amount agreed upon in the compromise shall be paid or deducted from any sums owing by the State of Illinois to the person charged under the terms and conditions of the notice of probable violation, the agreed compromise, or the Department order, whichever applies, or may be recovered in a civil action in accordance with subsection (c). Unless specifically stated otherwise in the terms and conditions of a compromise agreement, a compromise of a penalty recommended in a notice of probable violation by the person charged shall not be an admission of liability.

(c) Actions to recover penalties under this Act shall be brought in the name of the People of the State of Illinois in the circuit court in and for the county where the cause or part of the cause arose, where the Department has a principal place of business, where the corporation complained of, if any, has its principal place of business, or where the person, if any, complained of resides. All penalties recovered by the State in an action shall be paid to the Underground Resources Conservation Enforcement Fund. The action shall be commenced and prosecuted to final judgment by the Attorney General on behalf of the Department. In all such actions, the procedure and rules of evidence shall comply with the Civil Practice Law and other rules of court governing civil trials.

(d) The Department may proceed under Section 11 of the Illinois Oil and Gas Act, either by mandamus or injunction, to secure compliance with its rules and orders issued under this Act.

(e) A person penalized under this Section is not subject to any other penalty provided in the Illinois Oil and Gas Act for the same action.

(f) If a penalty recommended by the underground natural gas storage safety manager is paid by the person charged in the applicable notice of probable violation in accordance with subsection (b), or in accordance with the terms and conditions of a compromise agreed upon by the person and the underground natural gas storage safety manager, then the underground natural gas storage safety manager shall report to, and request the approval of, the Director for each payment of a recommended penalty or agreed compromise, whichever applies, and shall also post the report on the Department's website as a public document. If the report and request for approval is made to the Director, the Director shall have the power, and is hereby given the authority, either upon the complaint or upon her or his own motion, after reasonable notice has been given within 45 days after the report and request for approval was made, to enter a hearing concerning the propriety of the applicable notice of probable violation, payment, or compromise. If the

Director does not exercise this power within the 45-day period, the payment or agreed compromise referenced in the report shall be approved by the Director by operation of law at the expiration of the 45-day period and the notice of probable violation and related investigation shall be closed.

Section 35. Notice of probable violation; Department hearing.

(a) As used in this Section, "violation" means a failure to comply with any provision of this Act or any Department order or rule issued under this Act.

(b) After investigation and determination of a probable violation, the underground natural gas storage safety manager may issue a notice of probable violation. The notice of probable violation shall be considered served when sent by first class mail to the person or permittee at his or her last known address or by electronic mail in a manner prescribed by rules adopted by the Department under this Act. Any notice of probable violation issued and served as described in this subsection may also be posted on the Department's website as a public document.

(c) A notice of probable violation shall include, at a minimum, the following: (1) the date the notice of probable violation was issued and served; (2) a description of the violation or violations alleged; (3) the date and location of the safety incident, if applicable, related to each alleged violation; (4) a detailed description of the circumstances that support the determination of each proposed violation; (5) a detailed description of the corrective action required with respect to each proposed violation; (6) the amount of the penalty, if any, recommended with respect to each proposed violation; (7) the applicable recommended deadline for payment of each proposed penalty and for completion of each proposed corrective action; (8) notification that any such recommended deadline may be extended by mutual agreement of the parties for the purpose of facilitating settlement or compromise; and (9) a brief description of the procedures by which any recommended penalty or proposed corrective action may be challenged at the Department or approved pursuant to subsection (f) of Section 30.

(d) Payment in full of each of the recommended penalties and full completion of each of the proposed corrective actions, as identified in the notice of probable violation and in accordance with the terms and conditions described in the notice of probable violation including, without limitation, the respective recommended deadlines described in the notice of probable violation for the payment or completion, shall constitute a final resolution of the notice of probable violation, subject to the approval by the Director of the recommended penalty and payment in accordance with subsection (f) of Section 30.

(e) The person charged in the applicable notice of probable violation shall have 30 days from the date of service of the notice of probable violation to request a hearing. The filing of a request for a hearing shall not operate as a stay of the notice of probable violation.

After receipt of a request, the Department shall provide the person with an opportunity for a formal hearing after giving a notice of not less than 5 days. The hearing shall be conducted by the Director or anyone designated by him or her for that purpose and shall be located and conducted in accordance with the rules adopted by the Department. Failure of the person or permittee to timely request a hearing or, if a civil penalty has been assessed, to timely tender the assessed civil penalty shall constitute a waiver of all legal rights to contest the notice of probable violation, including the amount of any civil penalty. Within 30 days after the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative order.

Section 40. Application; the Illinois Oil and Gas Act. Except as otherwise provided in this Act, the Illinois Oil and Gas Act applies to underground natural gas storage facilities and to persons operating underground natural gas storage facilities.

Section 45. Annual certification and report. The Department shall prepare and file with the Secretary of Transportation the initial and annual certification and report required by 49 U.S.C. 60105(a).

Section 50. Federal moneys. The Department may apply for, accept, receive, and receipt for federal moneys for the State given by the federal government under the Federal Act for any purpose within the authority of the Department. The Department may also act as an agent for an agency or officer of the federal government for any purpose that is otherwise within the authority of the Department, and the Department may enter into agreements for that purpose with the agency or officer.

Section 55. Jurisdiction.

(a) The Department and the Commission shall work cooperatively with each other and with other entities in the federal and State governments to ensure that the policies embodied in the Federal Act, the Illinois Gas Pipeline Safety Act, this Act, the Illinois Oil and Gas Act, the Public Utilities Act, and the

rules adopted thereunder are fully effectuated. The Department and the Commission shall take steps to avoid the duplication of efforts while at the same time ensuring that all regulatory obligations are fulfilled. As long as the Department submits to the Secretary of Transportation annually the certification described in 49 U.S.C. 60105(a), and the certification is not rejected under 49 U.S.C. 60105(f), the Department shall have jurisdiction over the downhole portion of underground natural gas storage facilities subject to this Act. The Commission shall retain jurisdiction over all other portions of the underground natural gas storage facilities.

(b) Nothing contained in this Act is intended, nor shall it be construed, to limit or diminish the authority of the Department under the Illinois Oil and Gas Act or the Commission under the Public Utilities Act.

Section 60. Saving clause. If any provision, clause, or phrase of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Act that can be given effect without the invalid provision or application and to this end provisions of this Act are declared to be separable.

Section 65. Department authority; enforcement. The Department shall have the authority to adopt reasonable rules as may be necessary from time to time in the proper administration and enforcement of this Act.

Section 900. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

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

Sec. 5-45. Emergency rulemaking.

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

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24-month period, except that this limitation on the number of emergency rules that may be adopted in a 24-month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health, (iv) emergency rules adopted pursuant to subsection (n) of this Section, (v) emergency rules adopted pursuant to subsection (o) of this Section, or (vi) emergency rules adopted pursuant to subsection (c-5) of this Section. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

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

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection

(d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

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

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of Public Act 91-712 or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

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

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of Public Act 92-597 or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of Public Act 93-20 or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

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

(k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget, emergency rules to implement any provision of Public Act 94-48 or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of Healthcare and Family Services may also adopt rules under this subsection (k) necessary to administer the Illinois Public Aid Code, the Senior Citizens and Persons with Disabilities Property Tax Relief Act, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act (now the Illinois Prescription Drug Discount Program Act), and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

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

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

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

(n) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2010 budget, emergency rules to implement any provision of Public Act 96-45 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2010 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (n) shall be deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (n) shall apply only to rules promulgated during Fiscal Year 2010.

(o) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2011 budget, emergency rules to implement any provision of Public Act 96-958 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2011 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (o) is deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (o) applies only to rules promulgated on or after July 1, 2010 (the effective date of Public Act 96-958) through June 30, 2011.

(p) In order to provide for the expeditious and timely implementation of the provisions of Public Act 97-689, emergency rules to implement any provision of Public Act 97-689 may be adopted in accordance with this subsection (p) by the agency charged with administering that provision or initiative. The 150-day limitation of the effective period of emergency rules does not apply to rules adopted under this subsection (p), and the effective period may continue through June 30, 2013. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (p). The adoption of emergency rules authorized by this subsection (p) is deemed to be necessary for the public interest, safety, and welfare.

(q) In order to provide for the expeditious and timely implementation of the provisions of Articles 7, 8, 9, 11, and 12 of Public Act 98-104, emergency rules to implement any provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104 may be adopted in accordance with this subsection (q) by the agency charged with administering that provision or initiative. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (q). The adoption of emergency rules authorized by this subsection (q) is deemed to be necessary for the public interest, safety, and welfare.

(r) In order to provide for the expeditious and timely implementation of the provisions of Public Act 98-651, emergency rules to implement Public Act 98-651 may be adopted in accordance with this subsection (r) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (r). The adoption of emergency rules authorized by this subsection (r) is deemed to be necessary for the public interest, safety, and welfare.

(s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.

(t) In order to provide for the expeditious and timely implementation of the provisions of Article II of Public Act 99-6, emergency rules to implement the changes made by Article II of Public Act 99-6 to the Emergency Telephone System Act may be adopted in accordance with this subsection (t) by the

Department of State Police. The rulemaking authority granted in this subsection (t) shall apply only to those rules adopted prior to July 1, 2016. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (t). The adoption of emergency rules authorized by this subsection (t) is deemed to be necessary for the public interest, safety, and welfare.

(u) In order to provide for the expeditious and timely implementation of the provisions of the Burn Victims Relief Act, emergency rules to implement any provision of the Act may be adopted in accordance with this subsection (u) by the Department of Insurance. The rulemaking authority granted in this subsection (u) shall apply only to those rules adopted prior to December 31, 2015. The adoption of emergency rules authorized by this subsection (u) is deemed to be necessary for the public interest, safety, and welfare.

(v) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-516, emergency rules to implement Public Act 99-516 may be adopted in accordance with this subsection (v) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (v). The adoption of emergency rules authorized by this subsection (v) is deemed to be necessary for the public interest, safety, and welfare.

(w) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-796, emergency rules to implement the changes made by Public Act 99-796 may be adopted in accordance with this subsection (w) by the Adjutant General. The adoption of emergency rules authorized by this subsection (w) is deemed to be necessary for the public interest, safety, and welfare.

(x) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-906, emergency rules to implement subsection (i) of Section 16-115D, subsection (g) of Section 16-128A, and subsection (a) of Section 16-128B of the Public Utilities Act may be adopted in accordance with this subsection (x) by the Illinois Commerce Commission. The rulemaking authority granted in this subsection (x) shall apply only to those rules adopted within 180 days after June 1, 2017 (the effective date of Public Act 99-906). The adoption of emergency rules authorized by this subsection (x) is deemed to be necessary for the public interest, safety, and welfare.

(y) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-23 ~~this amendatory Act of the 100th General Assembly~~, emergency rules to implement the changes made by Public Act 100-23 ~~this amendatory Act of the 100th General Assembly~~ to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, and Sections 74 and 75 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (y) by the respective Department. The adoption of emergency rules authorized by this subsection (y) is deemed to be necessary for the public interest, safety, and welfare.

(z) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-554 ~~this amendatory Act of the 100th General Assembly~~, emergency rules to implement the changes made by Public Act 100-554 ~~this amendatory Act of the 100th General Assembly~~ to Section 4.7 of the Lobbyist Registration Act may be adopted in accordance with this subsection (z) by the Secretary of State. The adoption of emergency rules authorized by this subsection (z) is deemed to be necessary for the public interest, safety, and welfare.

(aa) In order to provide for the expeditious and timely initial implementation of the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code under the provisions of Public Act 100-581 ~~this amendatory Act of the 100th General Assembly~~, the Department of Healthcare and Family Services may adopt emergency rules in accordance with this subsection (aa). The 24-month limitation on the adoption of emergency rules does not apply to rules to initially implement the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code adopted under this subsection (aa). The adoption of emergency rules authorized by this subsection (aa) is deemed to be necessary for the public interest, safety, and welfare.

(bb) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587 ~~this amendatory Act of the 100th General Assembly~~, emergency rules to implement the changes made by Public Act 100-587 ~~this amendatory Act of the 100th General Assembly~~ to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, subsection (b) of Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, Section 5-104 of the Specialized Mental Health Rehabilitation Act of 2013, and Section 75 and subsection (b) of Section 74 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (bb) by the respective Department. The adoption of emergency rules authorized by this subsection (bb) is deemed to be necessary for the public interest, safety, and welfare.

(cc) ~~(bb)~~ In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587 ~~this amendatory Act of the 100th General Assembly~~, emergency rules may be adopted in

accordance with this subsection (cc) ~~(bb)~~ to implement the changes made by Public Act 100-587 ~~this amendatory Act of the 100th General Assembly~~ to: Sections 14-147.5 and 14-147.6 of the Illinois Pension Code by the Board created under Article 14 of the Code; Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by the Board created under Article 15 of the Code; and Sections 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board created under Article 16 of the Code. The adoption of emergency rules authorized by this subsection (cc) ~~(bb)~~ is deemed to be necessary for the public interest, safety, and welfare.

(dd) ~~(aa)~~ In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-864 ~~this amendatory Act of the 100th General Assembly~~, emergency rules to implement the changes made by Public Act 100-864 ~~this amendatory Act of the 100th General Assembly~~ to Section 3.35 of the Newborn Metabolic Screening Act may be adopted in accordance with this subsection (dd) ~~(aa)~~ by the Secretary of State. The adoption of emergency rules authorized by this subsection (dd) ~~(aa)~~ is deemed to be necessary for the public interest, safety, and welfare.

(ee) In order to provide for the expeditious and timely implementation of the provisions of this amendatory Act of the 100th General Assembly, emergency rules implementing the Illinois Underground Natural Gas Storage Safety Act may be adopted in accordance with this subsection by the Department of Natural Resources. The adoption of emergency rules authorized by this subsection is deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17; 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff. 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18; 100-864, eff. 8-14-18; revised 10-18-18.)

Section 905. The Illinois Gas Pipeline Safety Act is amended by changing Sections 2.01, 2.07, 2.08, 3, 4, 9, and 11 and by adding Sections 2.10, 2.11, and 2.12 as follows:

(220 ILCS 20/2.01) (from Ch. 111 2/3, par. 552.1)

Sec. 2.01. "Person" means any individual, firm, joint venture, partnership, corporation, company, limited liability company, firm, association, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.

(Source: P.A. 76-1588.)

(220 ILCS 20/2.07) (from Ch. 111 2/3, par. 552.7)

Sec. 2.07. "Federal Act" means 49 U.S.C. Chapter 601. This amendatory Act of the 100th General Assembly is intended to reflect numbering and citation changes to the United States Code occurring on or after the effective date of this amendatory Act of the 100th General Assembly ~~the "Natural Gas Pipeline Safety Act of 1968"~~.

(Source: P.A. 76-1588.)

(220 ILCS 20/2.08)

Sec. 2.08. Notice of probable violation. "Notice of probable violation" or "NOPV" means a written notice, satisfying the criteria set forth in Section 7.5 of this Act, given by the pipeline safety manager to a person who engages in the transportation of gas or who owns or operates pipeline facilities that identifies a failure of such person to comply with the provisions of this Act, the Federal Act ~~federal Natural Gas Pipeline Safety Act of 1968~~, or any Commission order or rule issued under this Act and may recommend a penalty in connection therewith, subject to the terms of this Act.

(Source: P.A. 98-526, eff. 8-23-13.)

(220 ILCS 20/2.10 new)

Sec. 2.10. Department. "Department" means the Department of Natural Resources.

(220 ILCS 20/2.11 new)

Sec. 2.11. Downhole. "Downhole" means the portion of the underground natural gas storage facility from the first flange attaching the wellhead to the pipeline equipment and continuing down the well casing to and including the storage reservoir.

(220 ILCS 20/2.12 new)

Sec. 2.12. Underground natural gas storage facility. "Underground natural gas storage facility" means a gas pipeline facility that stores natural gas in an underground facility, including a depleted hydrocarbon reservoir, an aquifer reservoir, and a solution-mined salt cavern reservoir.

(220 ILCS 20/3) (from Ch. 111 2/3, par. 553)

Sec. 3. (a) As soon as practicable, but not later than 3 months after the effective date of this Act, the Commission shall adopt rules establishing minimum safety standards for the transportation of gas and for pipeline facilities. Such rules shall be at least as inclusive, as stringent, and compatible with, the minimum safety standards adopted by the Secretary of Transportation under the Federal Act. Thereafter, the

Commission shall maintain such rules so that the rules are at least as inclusive, as stringent, and compatible with, the minimum standards from time to time in effect under the Federal Act. Notwithstanding the generality of the foregoing, the Commission shall not adopt or enforce standards governing downhole portions of an underground natural gas storage facility, as long as the Department submits to the Secretary of Transportation annually the certification described in 49 U.S.C. 60105(a) and the certification is not rejected under 49 U.S.C. 60105(f). The Commission and the Department shall work cooperatively with each other and with other entities in the federal and State governments to ensure that the policies embodied in the Federal Act, the Illinois Underground Natural Gas Storage Safety Act, this Act, the Illinois Oil and Gas Act, the Public Utilities Act, and the rules adopted thereunder, are fully effectuated. The Commission and the Department shall take steps to avoid the duplication of efforts while at the same time ensuring that all regulatory obligations are fulfilled. As long as the Department submits to the Secretary of Transportation annually the certification described in 49 U.S.C. 60105(a) and the certification is not rejected under 49 U.S.C. 60105(f), the Department shall have jurisdiction over the downhole portion of underground natural gas storage facilities subject to this Act. The Commission shall retain jurisdiction over all other portions of the underground natural gas storage facilities.

(b) Standards established under this Act may apply to the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection and initial testing are not applicable to pipeline facilities in existence on the date such standards are adopted. Whenever the Commission finds a particular facility to be hazardous to life or property, it may require the person operating such facility to take the steps necessary to remove the hazard.

(c) Standards established by the Commission under this Act shall, subject to paragraphs (a) and (b) of this Section 3, be practicable and designed to meet the need for pipeline safety. In prescribing such standards, the Commission shall consider: similar standards established in other states; relevant available pipeline safety data; whether such standards are appropriate for the particular type of pipeline transportation; the reasonableness of any proposed standards; and the extent to which such standards will contribute to public safety.

Rules adopted under this Act are subject to "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended.

(Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-906, eff. 8-7-12.)

(220 ILCS 20/4) (from Ch. 111 2/3, par. 554)

Sec. 4. Subject to 49 U.S.C. 60118(d) ~~Section 3, paragraph (e) of the Federal Act~~, the Commission may, upon application by any person engaged in the transportation of gas or the operation of pipeline facilities, waive in whole or in part, compliance with any standard established under this Act, if it determines that such a waiver is not inconsistent with gas pipeline safety.

(Source: P.A. 76-1588.)

(220 ILCS 20/9) (from Ch. 111 2/3, par. 559)

Sec. 9. The Commission shall prepare and file with the Secretary of Transportation the initial and annual certification and report required by 49 U.S.C. 60105(a) ~~Section 5, paragraph (a) of the Federal Act~~.

(Source: P.A. 76-1588.)

(220 ILCS 20/11) (from Ch. 111 2/3, par. 561)

Sec. 11. Nothing contained in this Act is intended, nor shall it be construed, to limit or diminish the authority of the Commission under the Public Utilities Act or the Department under the Illinois Oil and Gas Act ~~"An Act concerning public utilities", approved June 29, 1921, as amended~~.

(Source: P.A. 76-1588; revised 10-19-18.)

Section 999. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 3549**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the veto of the Governor notwithstanding, to-wit:

SENATE BILL 2589

A bill for AN ACT concerning local government.

Passed the House, November 28, 2018, by a three-fifths vote.

JOHN W. HOLLMAN, Clerk of the House

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 203
Motion to Concur in House Amendment 2 to Senate Bill 203
Motion to Concur in House Amendment 2 to Senate Bill 1993
Motion to Concur in House Amendment 1 to Senate Bill 3549

MOTION IN WRITING

Senator Cunningham submitted the following Motion in Writing:

I move that House Bill 5175 do pass, notwithstanding the veto of the Governor.

11-28-18	s/Bill Cunningham
DATE	SENATOR

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 28, 2018 meeting, reported that the following Legislative Measures have been approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 203
Motion to Concur in House Amendment 2 to Senate Bill 203
Motion to Concur in House Amendment 2 to Senate Bill 1993
Motion to Concur in House Amendment 1 to Senate Bill 3549
Motion to Concur in House Amendment 1 to Senate Joint Resolution 54

The foregoing concurrences were placed on the Secretary's Desk.

HOUSE BILL RECALLED

On motion of Senator McGuire, **House Bill No. 2505** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was re-referred to the Committee on Assignments earlier today.

Senator McGuire offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 2505

AMENDMENT NO. 2. Amend House Bill 2505 by replacing everything after the enacting clause with the following:

"Section 5. The Higher Education Student Assistance Act is amended by changing Section 65.100 as follows:

(110 ILCS 947/65.100)

(Section scheduled to be repealed on October 1, 2024)

Sec. 65.100. AIM HIGH Grant Pilot Program.

(a) The General Assembly makes all of the following findings:

(1) Both access and affordability are important aspects of the Illinois Public Agenda for College and Career Success report.

(2) This State is in the top quartile with respect to the percentage of family income

needed to pay for college.

(3) Research suggests that as loan amounts increase, rather than an increase in grant amounts, the probability of college attendance decreases.

(4) There is further research indicating that socioeconomic status may affect the willingness of students to use loans to attend college.

(5) Strategic use of tuition discounting can decrease the amount of loans that students must use to pay for tuition.

(6) A modest, individually tailored tuition discount can make the difference in a student choosing to attend college and enhance college access for low-income and middle-income families.

(7) Even if the federally calculated financial need for college attendance is met, the federally determined Expected Family Contribution can still be a daunting amount.

(8) This State is the second largest exporter of students in the country.

(9) When talented Illinois students attend universities in this State, the State and those universities benefit.

(10) State universities in other states have adopted pricing and incentives that allow many Illinois residents to pay less to attend an out-of-state university than to remain in this State for college.

(11) Supporting Illinois student attendance at Illinois public universities can assist in State efforts to maintain and educate a highly trained workforce.

(12) Modest tuition discounts that are individually targeted and tailored can result in enhanced revenue for public universities.

(13) By increasing a public university's capacity to strategically use tuition discounting, the public university will be capable of creating enhanced tuition revenue by increasing enrollment yields.

(b) In this Section:

"Eligible applicant" means a student from any high school in this State, whether or not recognized by the State Board of Education, who is engaged in a program of study that in due course will be completed by the end of the school year and who meets all of the qualifications and requirements under this Section.

"Tuition and other necessary fees" includes the customary charge for instruction and use of facilities in general and the additional fixed fees charged for specified purposes that are required generally of non-grant recipients for each academic period for which the grant applicant actually enrolls, but does not include fees payable only once or breakage fees and other contingent deposits that are refundable in whole or in part. The Commission may adopt, by rule not inconsistent with this Section, detailed provisions concerning the computation of tuition and other necessary fees.

(c) Beginning with the 2019-2020 academic year, each public university may establish a merit-based scholarship pilot program known as the AIM HIGH Grant Pilot Program. Each year, the Commission shall receive and consider applications from public universities under this Section. Subject to appropriation and any tuition waiver limitation established by the Board of Higher Education, a public university campus may award a grant to a student under this Section if it finds that the applicant meets all of the following criteria:

(1) He or she is a resident of this State and a citizen or eligible noncitizen of the United States.

(2) He or she files a Free Application for Federal Student Aid and demonstrates financial need with a household income no greater than 6 times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

(3) He or she meets the minimum cumulative grade point average or ACT or SAT college admissions test score, as determined by the public university campus.

(4) He or she is enrolled in a public university as an undergraduate student on a full-time basis.

(5) He or she has not yet received a baccalaureate degree or the equivalent of 135 semester credit hours.

(6) He or she is not incarcerated.

(7) He or she is not in default on any student loan or does not owe a refund or repayment on any State or federal grant or scholarship.

(8) Any other reasonable criteria, as determined by the public university campus.

(d) Each public university campus shall determine grant renewal criteria consistent with the requirements under this Section.

(e) Each participating public university campus shall post on its Internet website criteria and eligibility requirements for receiving awards that use funds under this Section that include ~~includes~~ a range in the sizes of these individual awards. The criteria and amounts must also be reported to the Commission and the Board of Higher Education, who shall post the information on their respective Internet websites.

(f) After enactment of an appropriation for this Program, the Commission shall determine an allocation of funds to each public university in an amount proportionate to the number of undergraduate students who are residents of this State and citizens or eligible noncitizens of the United States and who were enrolled at each public university campus in the previous academic year. All applications must be made to the Commission on or before a date determined by the Commission and on forms that the Commission shall provide to each public university campus. The form of the application and the information required shall be determined by the Commission and shall include, without limitation, the total public university campus funds used to match funds received from the Commission in the previous academic year under this Section, if any, the total enrollment of undergraduate students who are residents of this State from the previous academic year, and any supporting documents as the Commission deems necessary. Each public university campus shall match the amount of funds received by the Commission with financial aid for eligible students.

A public university campus is not required to claim its entire allocation. The Commission shall make available to all public universities, on a date determined by the Commission, any unclaimed funds and the funds must be made available to those public university campuses in the proportion determined under this subsection (f), excluding from the calculation those public university campuses not claiming their full allocations.

Each public university campus may determine the award amounts for eligible students on an individual or broad basis, but, subject to renewal eligibility, each renewed award may not be less than the amount awarded to the eligible student in his or her first year attending the public university campus. Notwithstanding this limitation, a renewal grant may be reduced due to changes in the student's cost of attendance, including, but not limited to, if a student reduces the number of credit hours in which he or she is enrolled, but remains a full-time student, or switches to a course of study with a lower tuition rate.

An eligible applicant awarded grant assistance under this Section is eligible to receive other financial aid. Total grant aid to the student from all sources may not exceed the total cost of attendance at the public university campus.

(g) All money allocated to a public university campus under this Section may be used only for financial aid purposes for students attending the public university campus during the academic year, not including summer terms. Notwithstanding any other provision of law to the contrary, any ~~Any~~ funds received by a public university campus under this Section that are not granted to students in the academic year for which the funds are received may be retained by the public university campus for expenditure on students participating in the Program or students eligible to participate in the Program ~~must be refunded to the Commission before any new funds are received by the public university campus for the next academic year~~.

(h) Each public university campus that establishes a Program under this Section must annually report to the Commission, on or before a date determined by the Commission, the number of undergraduate students enrolled at that campus who are residents of this State.

(i) Each public university campus must report to the Commission the total non-loan financial aid amount given by the public university campus to undergraduate students in fiscal year 2018. To be eligible to receive funds under the Program, a public university campus may not decrease the total amount of non-loan financial aid for undergraduate students to an amount lower than the total non-loan financial aid amount given by the public university campus to undergraduate students in fiscal year 2018, not including any funds received from the Commission under this Section or any funds used to match grant awards under this Section.

(j) On or before a date determined by the Commission, each public university campus that participates in the Program under this Section shall annually submit a report to the Commission with all of the following information:

(1) The Program's impact on tuition revenue and enrollment goals and increase in access and affordability at the public university campus.

(2) Total funds received by the public university campus under the Program.

(3) Total non-loan financial aid awarded to undergraduate students attending the public university campus.

(4) Total amount of funds matched by the public university campus.

(5) Total amount of claimed and unexpended funds retained ~~refunded to the Commission~~ by the public university campus.

(6) The percentage of total financial aid distributed under the Program by the public university campus.

(7) The total number of students receiving grants from the public university campus under the Program and those students' grade level, race, gender, income level, family size, Monetary Award Program eligibility, Pell Grant eligibility, and zip code of residence and the amount of each grant award. This information shall include unit record data on those students regarding variables associated with the parameters of the public university's Program, including, but not limited to, a student's ACT or SAT college admissions test score, high school or university cumulative grade point average, or program of study.

On or before October 1, 2020 and annually on or before October 1 thereafter, the Commission shall submit a report with the findings under this subsection (j) and any other information regarding the AIM HIGH Grant Pilot Program to (i) the Governor, (ii) the Speaker of the House of Representatives, (iii) the Minority Leader of the House of Representatives, (iv) the President of the Senate, and (v) the Minority Leader of the Senate. The reports 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. The Commission's report may not disaggregate data to a level that may disclose personally identifying information of individual students.

The sharing and reporting of student data under this subsection (j) must be in accordance with the requirements under the federal Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act. All parties must preserve the confidentiality of the information as required by law. The names of the grant recipients under this Section are not subject to disclosure under the Freedom of Information Act.

Public university campuses that fail to submit a report under this subsection (j) or that fail to adhere to any other requirements under this Section may not be eligible for distribution of funds under the Program for the next academic year, but may be eligible for distribution of funds for each academic year thereafter.

(k) The Commission shall adopt rules to implement this Section.

(l) This Section is repealed on October 1, 2024.

(Source: P.A. 100-587, eff. 6-4-18; 100-1015, eff. 8-21-18; revised 10-22-18.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator McGuire, **House Bill No. 2505** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 48; NAYS None.

The following voted in the affirmative:

Anderson	Curran	McCann	Schimpf
Aquino	DeWitte	McCarter	Sims
Barickman	Fowler	McGuire	Steans
Bertino-Tarrant	Haine	Morrison	Syverson
Biss	Harmon	Mulroe	Tracy
Bivins	Harris	Muñoz	Van Pelt
Brady	Hastings	Murphy	Weaver
Bush	Hunter	Nathwani	Wilcox
Castro	Landek	Oberweis	Mr. President
Clayborne	Lightford	Raoul	
Collins	Link	Rezin	

Cullerton, T.	Manar	Rooney
Cunningham	Martinez	Rose

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Mulroe, **House Bill No. 166** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 49; NAY 1.

The following voted in the affirmative:

Anderson	DeWitte	McCann	Rose
Aquino	Fowler	McCarter	Schimpf
Barickman	Haine	McConchie	Sims
Bertino-Tarrant	Harmon	McGuire	Steans
Biss	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Murphy	Weaver
Clayborne	Landek	Nathwani	Wilcox
Collins	Lightford	Oberweis	Mr. President
Cullerton, T.	Link	Raoul	
Cunningham	Manar	Righter	
Curran	Martinez	Rooney	

The following voted in the negative:

Rezin

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator J. Cullerton, **House Bill No. 982** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 50; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	McCann	Rooney
Aquino	Fowler	McCarter	Rose
Barickman	Haine	McConchie	Schimpf
Bertino-Tarrant	Harmon	McGuire	Sims
Biss	Harris	Morrison	Steans
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Clayborne	Landek	Nathwani	Weaver

Collins	Lightford	Oberweis	Wilcox
Cullerton, T.	Link	Raoul	Mr. President
Cunningham	Manar	Rezin	
Curran	Martinez	Righter	

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Aquino, **House Bill No. 1167** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Manar	Righter
Aquino	DeWitte	Martinez	Rooney
Barickman	Fowler	McCann	Rose
Bertino-Tarrant	Haine	McGuire	Schimpf
Biss	Harmon	Morrison	Sims
Brady	Harris	Mulroe	Steans
Bush	Hastings	Muñoz	Syverson
Castro	Holmes	Murphy	Tracy
Clayborne	Hunter	Nathwani	Van Pelt
Collins	Landek	Oberweis	Weaver
Cullerton, T.	Lightford	Raoul	Mr. President
Cunningham	Link	Rezin	

This bill, having received the vote of a three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cunningham, **House Bill No. 1168** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 50; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Martinez	Righter
Aquino	DeWitte	McCann	Rooney
Barickman	Fowler	McCarter	Rose
Bertino-Tarrant	Haine	McConchie	Schimpf
Biss	Harmon	McGuire	Sims
Bivins	Harris	Morrison	Steans
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Clayborne	Landek	Nathwani	Weaver
Collins	Lightford	Oberweis	Mr. President
Cullerton, T.	Link	Raoul	
Cunningham	Manar	Rezin	

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 1594** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 50; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	McCann	Rooney
Aquino	Fowler	McCarter	Rose
Barickman	Haine	McConchie	Schimpf
Bertino-Tarrant	Harmon	McGuire	Sims
Biss	Harris	Morrison	Steans
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Clayborne	Landek	Nathwani	Weaver
Collins	Lightford	Oberweis	Wilcox
Cullerton, T.	Link	Raoul	Mr. President
Cunningham	Manar	Rezin	
Curran	Martinez	Righter	

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 5:17 o'clock p.m., Senator Clayborne, presiding.

On motion of Senator T. Cullerton, **House Bill No. 4685** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 48; NAYS None.

The following voted in the affirmative:

Anderson	Curran	McCann	Schimpf
Aquino	DeWitte	McConchie	Sims
Barickman	Fowler	McGuire	Steans
Bertino-Tarrant	Haine	Morrison	Syverson
Biss	Harmon	Mulroe	Tracy
Bivins	Hastings	Muñoz	Van Pelt
Brady	Holmes	Murphy	Weaver
Bush	Hunter	Nathwani	Wilcox
Castro	Landek	Oberweis	Mr. President
Clayborne	Lightford	Raoul	
Collins	Link	Rezin	
Cullerton, T.	Manar	Righter	

Cunningham	Martinez	Rose

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **House Bill No. 4873** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 45; NAYS 3.

The following voted in the affirmative:

Aquino	Curran	Manar	Righter
Barickman	DeWitte	Martinez	Rooney
Bertino-Tarrant	Fowler	McCann	Schimpf
Biss	Haine	McConchie	Sims
Bivins	Harmon	McGuire	Steans
Brady	Harris	Morrison	Syverson
Bush	Hastings	Mulroe	Tracy
Castro	Holmes	Muñoz	Van Pelt
Clayborne	Hunter	Nathwani	Weaver
Collins	Landek	Oberweis	
Cullerton, T.	Lightford	Raoul	
Cunningham	Link	Rezin	

The following voted in the negative:

Anderson
McCarter
Rose

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 5:20 o'clock p.m., Senator Link, presiding.

On motion of Senator Martinez, **House Bill No. 5093** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 51; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Martinez	Righter
Aquino	DeWitte	McCann	Rooney
Barickman	Fowler	McCarter	Rose
Bertino-Tarrant	Haine	McConchie	Schimpf
Biss	Harmon	McGuire	Sims
Bivins	Harris	Morrison	Steans

Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Clayborne	Landek	Nathwani	Weaver
Collins	Lightford	Oberweis	Wilcox
Cullerton, T.	Link	Raoul	Mr. President
Cunningham	Manar	Rezin	

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harris, **House Bill No. 5698** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the negative by the following vote:

YEAS 28; NAYS 17.

The following voted in the affirmative:

Aquino	Fowler	Link	Sims
Biss	Haine	Manar	Steans
Bush	Harmon	Martinez	Van Pelt
Castro	Harris	McConchie	Mr. President
Clayborne	Holmes	McGuire	
Collins	Hunter	Mulroe	
Cullerton, T.	Landek	Muñoz	
Cunningham	Lightford	Raoul	

The following voted in the negative:

Anderson	DeWitte	Rooney	Weaver
Barickman	McCann	Rose	Wilcox
Bivins	Nathwani	Schimpf	
Brady	Oberweis	Syverson	
Curran	Righter	Tracy	

This bill, having failed to receive the vote of three-fifths of the members elected, was declared lost, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Senator Fowler asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **House Bill No. 5698**.

Senator McConchie asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **House Bill No. 5698**.

On motion of Senator Morrison, **House Bill No. 5769** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 50; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Martinez	Righter
Aquino	DeWitte	McCann	Rooney
Barickman	Fowler	McCarter	Rose
Bertino-Tarrant	Haine	McConchie	Schimpf

Biss	Harmon	McGuire	Sims
Bivins	Harris	Morrison	Steans
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Clayborne	Landek	Nathwani	Weaver
Collins	Lightford	Oberweis	Mr. President
Cullerton, T.	Link	Raoul	
Cunningham	Manar	Rezin	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator J. Cullerton, **House Bill No. 5971** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 46; NAYS None.

The following voted in the affirmative:

Aquino	DeWitte	Martinez	Righter
Barickman	Fowler	McCann	Schimpf
Bertino-Tarrant	Haine	McCarter	Sims
Biss	Harmon	McConchie	Steans
Bivins	Harris	McGuire	Syverson
Brady	Hastings	Morrison	Tracy
Bush	Holmes	Mulroe	Van Pelt
Castro	Hunter	Muñoz	Weaver
Clayborne	Landek	Murphy	Wilcox
Collins	Lightford	Nathwani	Mr. President
Cunningham	Link	Raoul	
Curran	Manar	Rezin	

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator T. Cullerton asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 5971**.

On motion of Senator Fowler, **House Bill No. 130** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 51; NAYS None.

The following voted in the affirmative:

Anderson	Curran	Martinez	Righter
Aquino	DeWitte	McCann	Rooney
Barickman	Fowler	McCarter	Rose
Bertino-Tarrant	Haine	McConchie	Schimpf
Biss	Harmon	McGuire	Sims
Bivins	Harris	Morrison	Steans

Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Clayborne	Landek	Nathwani	Weaver
Collins	Lightford	Oberweis	Wilcox
Cullerton, T.	Link	Raoul	Mr. President
Cunningham	Manar	Rezin	

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Lightford, **Senate Bill No. 203**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Lightford moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 44; NAYS 6.

The following voted in the affirmative:

Anderson	Curran	Manar	Rose
Aquino	DeWitte	Martinez	Schimpf
Barickman	Fowler	McCann	Sims
Bertino-Tarrant	Haine	McGuire	Steans
Biss	Harmon	Morrison	Syverson
Brady	Harris	Mulroe	Tracy
Bush	Hastings	Muñoz	Van Pelt
Castro	Holmes	Murphy	Mr. President
Clayborne	Hunter	Nathwani	
Collins	Landek	Raoul	
Cullerton, T.	Lightford	Rezin	
Cunningham	Link	Righter	

The following voted in the negative:

Bivins	McConchie	Rooney
McCarter	Oberweis	Weaver

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 203**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Mulroe, **Senate Bill No. 1993**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Mulroe moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 44; NAYS None.

The following voted in the affirmative:

Anderson	Curran	McCann	Rooney
Aquino	DeWitte	McConchie	Sims
Barickman	Haine	McGuire	Steans
Bertino-Tarrant	Harmon	Morrison	Syverson
Biss	Harris	Mulroe	Van Pelt
Bivins	Hastings	Muñoz	Weaver
Bush	Hunter	Murphy	Wilcox
Castro	Landek	Nathwani	Mr. President
Clayborne	Lightford	Oberweis	
Collins	Link	Raoul	
Cullerton, T.	Manar	Rezin	
Cunningham	Martinez	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1993**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rose, **Senate Bill No. 3549**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rose moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 49; NAYS None.

The following voted in the affirmative:

Anderson	Curran	McCann	Rose
Aquino	DeWitte	McCarter	Schimpf
Barickman	Fowler	McConchie	Sims
Bertino-Tarrant	Haine	McGuire	Steans
Biss	Harmon	Morrison	Syverson
Bivins	Harris	Mulroe	Tracy
Brady	Holmes	Muñoz	Van Pelt
Bush	Hunter	Murphy	Weaver
Castro	Landek	Nathwani	Wilcox
Clayborne	Lightford	Oberweis	Mr. President
Collins	Link	Raoul	
Cullerton, T.	Manar	Rezin	
Cunningham	Martinez	Rooney	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 3549**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE AMENDMENT TO SENATE RESOLUTION ON SECRETARY'S DESK

On motion of Senator Schimpf, **Senate Joint Resolution No. 54**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Schimpf moved that the Senate concur with the House in the adoption of their amendment to said resolution.

And on that motion, a call of the roll was had resulting as follows:

YEAS 49; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	McCann	Rose
Barickman	Fowler	McCarter	Schimpf
Bertino-Tarrant	Haine	McGuire	Sims
Biss	Harmon	Morrison	Steans
Bivins	Harris	Mulroe	Syverson
Brady	Hastings	Muñoz	Tracy
Bush	Holmes	Murphy	Van Pelt
Castro	Hunter	Nathwani	Weaver
Clayborne	Landek	Oberweis	Wilcox
Collins	Lightford	Raoul	Mr. President
Cullerton, T.	Link	Rezin	
Cunningham	Manar	Righter	
Curran	Martinez	Rooney	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Joint Resolution No. 54**.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE BILL VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Wednesday, November 28, 2018 and journalized Wednesday, November 28, 2018, Senator Cunningham moved that **House Bill No. 5175** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

YEAS 31; NAYS 14.

The following voted in the affirmative:

Anderson	Cunningham	Hunter	Murphy
Aquino	Curran	Link	Raoul
Bertino-Tarrant	DeWitte	Manar	Rezin
Biss	Fowler	McCann	Rose
Castro	Haine	McGuire	Schimpf
Clayborne	Harmon	Morrison	Steans
Collins	Hastings	Mulroe	Mr. President
Cullerton, T.	Holmes	Muñoz	

The following voted in the negative:

Barickman	McCarter	Rooney	Weaver
Bivins	McConchie	Syverson	Wilcox
Brady	Oberweis	Tracy	
Martinez	Righter	Van Pelt	

The motion, having failed to receive the vote of three-fifths of the members elected, was lost.

Ordered that the Secretary inform the House of Representatives thereof.

PRESENTATION OF RESOLUTION

Senator Clayborne offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 83

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Wednesday, November 28, 2018, it stands adjourned until Monday, January 07, 2019, or until the call of the President; and when the House of Representatives adjourns on Thursday, November 29, 2018, it stands adjourned until Monday, January 07, 2019, or until the call of the Speaker.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 2180

Offered by Senator Mulroe and all Senators:
Mourns the death of Michael Lester Smith of Chicago.

SENATE RESOLUTION NO. 2181

Offered by Senator Silverstein and all Senators:
Mourns the death of Rabbi Barry N. Robinson of Chicago.

SENATE RESOLUTION NO. 2182

Offered by Senator Koehler and all Senators:
Mourns the death of Bruce C. Ingersoll of Peoria.

SENATE RESOLUTION NO. 2183

Offered by Senator Koehler and all Senators:
Mourns the death of F.O. "Frank" Kenny of Peoria.

SENATE RESOLUTION NO. 2184

Offered by Senator Koehler and all Senators:
Mourns the death of Janet L. Kaizer of Peoria.

SENATE RESOLUTION NO. 2185

Offered by Senator Koehler and all Senators:
Mourns the death of Dolores Moore Harlow "Dodie" Hirst of Bloomington.

SENATE RESOLUTION NO. 2186

Offered by Senator Koehler and all Senators:
Mourns the death of Harry M. LaHood of Washington.

SENATE RESOLUTION NO. 2187

Offered by Senator Koehler and all Senators:
Mourns the death of Lorraine M. Fengel of Canton.

SENATE RESOLUTION NO. 2188

Offered by Senator Koehler and all Senators:
Mourns the death of Caroline Maxine Holford of Peoria.

SENATE RESOLUTION NO. 2189

Offered by Senator Koehler and all Senators:
Mourns the death of Earl J. Carter of Peoria Heights.

SENATE RESOLUTION NO. 2190

Offered by Senator Koehler and all Senators:

Mourns the death of Harriet L. O'Neill of Bartonville.

SENATE RESOLUTION NO. 2191
Offered by Senator Koehler and all Senators:
Mourns the death of Larry W. Stranz of Bartonville.

SENATE RESOLUTION NO. 2192
Offered by Senator Koehler and all Senators:
Mourns the death of Nelda M. Lalicker of Peoria.

SENATE RESOLUTION NO. 2193
Offered by Senator Harmon and all Senators:
Mourns the death of Peggy Roche Boyle.

SENATE RESOLUTION NO. 2194
Offered by Senator McCann and all Senators:
Mourns the death of Ronald L. "Sam" Maedge.

SENATE RESOLUTION NO. 2195
Offered by Senator McCann and all Senators:
Mourns the death of Richard D. "Rick" McCaherty of Carlinville.

SENATE RESOLUTION NO. 2196
Offered by Senator McCann and all Senators:
Mourns the death of Leslie D. "Les" Wilson of South Jacksonville.

SENATE RESOLUTION NO. 2197
Offered by Senator Morrison and all Senators:
Mourns the death of Harold Marshall Morrison.

SENATE RESOLUTION NO. 2198
Offered by Senator Bennett and all Senators:
Mourns the death of Alice Johnson Webber Long of Urbana.

SENATE RESOLUTION NO. 2199
Offered by Senator Haine and all Senators:
Mourns the death of Donald R. "Don" Bohannon of Godrey.

SENATE RESOLUTION NO. 2200
Offered by Senator Haine and all Senators:
Mourns the death of David A Coakley of Collinsville.

SENATE RESOLUTION NO. 2201
Offered by Senator Bennett and all Senators:
Mourns the death of Richard "Dick" Shockey of Danville.

SENATE RESOLUTION NO. 2202
Offered by Senator Koehler and all Senators:
Mourns the death of Martha E. "Mari" McGinnis of Peoria.

SENATE RESOLUTION NO. 2203
Offered by Senator Koehler and all Senators:
Mourns the death of Carol Ann Trumpe of Edwards.

SENATE RESOLUTION NO. 2204
Offered by Senator Manar and all Senators:
Mourns the death of Dale L. Buhs of Bunker Hill.

SENATE RESOLUTION NO. 2205

Offered by Senator Manar and all Senators:
Mourns the death of Barbara Josephine Koeller Kramer of Bunker Hill.

SENATE RESOLUTION NO. 2206
Offered by Senator Manar and all Senators:
Mourns the death of Lois Marie Meehan of Bunker Hill.

SENATE RESOLUTION NO. 2207
Offered by Senator Haine and all Senators:
Mourns the death of Francis "Frank" Myers of Jerseyville.

SENATE RESOLUTION NO. 2208
Offered by Senator Haine and all Senators:
Mourns the death of Lester Allen Klope of Alton.

SENATE RESOLUTION NO. 2209
Offered by Senator Haine and all Senators:
Mourns the death of Steven Elliot Bortko of Belleville.

SENATE RESOLUTION NO. 2210
Offered by Senator Haine and all Senators:
Mourns the death of Thomas O. "Tom" Falb.

SENATE RESOLUTION NO. 2211
Offered by Senator Rose and all Senators:
Mourns the death of William Dean "Bill" "Kirbo" Kirby of Tolono.

SENATE RESOLUTION NO. 2212
Offered by Senator Syverson and all Senators:
Mourns the death of Oscar Lee Presley, Jr., of Roscoe.

SENATE RESOLUTION NO. 2213
Offered by Senator McCann and all Senators:
Mourns the death of Steven R. Smothers of Pittsfield.

SENATE RESOLUTION NO. 2214
Offered by Senator Mulroe and all Senators:
Mourns the death of Chicago Police Department Officer Samuel Jimenez.

SENATE RESOLUTION NO. 2215
Offered by Senator Mulroe and all Senators:
Mourns the death of Robert D. "Bob" Beaulieu of Palatine.

SENATE RESOLUTION NO. 2218
Offered by Senator Koehler and all Senators:
Mourns the death of William James "Bill" Howard of Pinegree Grove, formerly of Aurora.

SENATE RESOLUTION NO. 2219
Offered by Senator Koehler and all Senators:
Mourns the death of Nancy J. Monroe of Morton.

SENATE RESOLUTION NO. 2220
Offered by Senator Koehler and all Senators:
Mourns the death of Michael L. "Mike' Ryon of Peoria

SENATE RESOLUTION NO. 2222
Offered by Senator Harmon and all Senators:
Mourns the death of Judith D. Harmon of River Forest.

SENATE RESOLUTION NO. 2223

Offered by Senator Clayborne and all Senators:
Mourns the death of Rita F. (Babic)Keefe of Belleville.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

November 28, 2018

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am cancelling Session scheduled for Thursday, November 29, 2018.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader William Brady

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

November 28, 2018

The Honorable Tim Anderson
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Enclosed please find the Senate Session Schedule for the 101st General Assembly. If you have any questions, please contact my Chief of Staff, Kristin Richards at 217-782-2728.

Sincerely,
s/John J. Cullerton

cc: Senate Republican Leader William Brady
Enclosure (1)

2019

ILLINOIS SENATE CALENDAR
101ST GENERAL ASSEMBLY
SENATOR JOHN J. CULLERTON
SENATE PRESIDENT

JANUARY

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 NEW YEAR'S DAY STATE HOLIDAY	2	3	4	5
6	7 SESSION 100TH GENERAL ASSEMBLY	8 SESSION 100TH GENERAL ASSEMBLY	9 SESSION INAUGURATION 101ST GENERAL ASSEMBLY	10 SESSION	11	12
13	14 EXECUTIVE BRANCH INAUGURATION	15	16 PERFUNCTORY	17	18	19
20	21 MARTIN LUTHER KING JR. DAY STATE HOLIDAY	22	23 PERFUNCTORY	24	25	26
27	28	29 SESSION	30 SESSION	31 SESSION		

IMPORTANT DATES
January 9 - Inauguration of the 101st General Assembly
January 14 - Executive Branch Inauguration

2019

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SENATE PRESIDENT

FEBRUARY

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 DEADLINE *Senate LRB Requests*	2
3	4	5 SESSION	6 SESSION	7 SESSION	8	9
10	11	12 LINCOLN'S BIRTHDAY STATE HOLIDAY	13	14 VALENTINE'S DAY	15 DEADLINE *Introduction of Substantive Senate Bills*	16
17	18 PRESIDENTS' DAY STATE HOLIDAY	19 SESSION	20 SESSION GOVERNOR'S BUDGET ADDRESS	21 SESSION	22	23
24	25	26 CONSOLIDATED PRIMARY ELECTION	27	28		

IMPORTANT DATES
February 1 - DEADLINE - Senate LRB Requests
February 15 - DEADLINE - Introduction of Substantive Senate Bills
February 20 - Governor's Budget Address
February 26 - Consolidated Primary Election

2019

ILLINOIS SENATE CALENDAR
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MARCH

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5 SESSION	6 SESSION ASH WEDNESDAY	7 SESSION	8	9
10 DAYLIGHT SAVINGS BEGINS	11	12 SESSION	13 SESSION	14 SESSION	15	16
17 ST. PATRICK'S DAY	18	19 SESSION	20 SESSION	21 SESSION	22 SESSION **DEADLINE** *Substantive Senate Bills Out of Committee*	23
24 31	25	26 SESSION	27 SESSION	28 SESSION	29	30

IMPORTANT DATES

March 22 - DEADLINE - Substantive Senate Bills out of Committee

2019

ILLINOIS SENATE CALENDAR
101ST GENERAL ASSEMBLY
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SENATE PRESIDENT

APRIL

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2 CONSOLIDATED ELECTION	3 SESSION	4 SESSION	5 SESSION	6
7	8	9 SESSION	10 SESSION	11 SESSION	12 SESSION **DEADLINE** *Third Reading Substantive Senate Bills*	13
14 PALM SUNDAY	15	16	17	18	19 GOOD FRIDAY PASSOVER BEGINS	20
21 EASTER	22	23	24 ADMINISTRATIVE PROFESSIONALS DAY	25	26	27 PASSOVER ENDS
28	29	30 SESSION				

IMPORTANT DATES

April 2 - Consolidated Election
April 12 - DEADLINE - Third Reading Substantive Senate Bill

2019

ILLINOIS SENATE CALENDAR
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SENATE PRESIDENT

MAY

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 SESSION	2 SESSION	3	4
5 CINCO DE MAYO	6	7 SESSION	8 SESSION	9 SESSION	10 SESSION DEADLINE *Substantive House Bills Out of Committee*	11
12 MOTHER'S DAY	13	14 SESSION	15 SESSION	16 SESSION	17 SESSION	18
19	20 SESSION	21 SESSION	22 SESSION	23 SESSION	24 SESSION DEADLINE *Third Reading Substantive House Bills*	25
26	27 SESSION MEMORIAL DAY STATE HOLIDAY	28 SESSION	29 SESSION	30 SESSION	31 SESSION ADJOURNMENT	

IMPORTANT DATES

May 10 - DEADLINE - Substantive House Bills out of Committee
May 24 - DEADLINE - Third Reading Substantive House Bills
May 31 - ADJOURNMENT

At the hour of 5:54 o'clock p.m., pursuant to **Senate Joint Resolution No. 83**, the Chair announced that the Senate stands adjourned until Monday, January 7, 2019, at 12:00 o'clock noon, or until the call of the President.