SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED THIRD GENERAL ASSEMBLY

45TH LEGISLATIVE DAY

FRIDAY, MAY 5, 2023

9:16 O'CLOCK A.M.

NO. 45
[May 5, 2023]

SENATE
Daily Journal Index
45th Legislative Day

The Senate met pursuant to adjournment.
Senator Bill Cunningham, Chicago, Illinois, presiding.
Prayer by Pastor Miriam Snyder, Chatham United Methodist Church, Chatham, Illinois.
Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, May 4, 2023, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Arthur Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Morrison Police Department.

IDOR Bilingual Employee Report, submitted by the Department of Revenue.

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

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
DON HARMON
STATE OF ILLINOIS

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

160 N. LASALLE ST., STE. 720
CHICAGO, ILLINOIS 60601
312-814-2075

May 5, 2023

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the Senate Rule 2-10, I am extending the 3rd Reading deadline to May 11, 2023, for the following bills:

SB 1732 SB 2357

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader John F. Curran

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May 5, 2023

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the Senate Rule 2-10, I hereby extend the committee deadline to May 11, 2023 for the following House bills:

HB 1133
HB 1286
HB 1375
HB 1399
HB 1497
HB 2098
HB 2365
HB 2392
HB 2474
HB 3345
HB 3595
HB 3892

Sincerely,
s/Don Harmon
Don Harmon
Senate President

cc: Senate Republican Leader John F. Curran

PRESENTATION OF CELEBRATION OF LIFE RESOLUTION

SENATE RESOLUTION NO. 259

Offered by Senator Faraci and all Senators:
Mourns the death of Robert Eugene Rouse of Oakwood.

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

ANNOUNCEMENT

The Chair reminded the Senate that the deadline to file Amendments to House Bills is today, May 5, 2023 at 3:00 o'clock p.m.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Porfirio, **House Bill No. 925** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 925

AMENDMENT NO. 1 . Amend House Bill 925 by replacing line 19 of page 1 through line 6 of page 2 with the following:

"(1)(A) Have been formed by and for veterans, have a board where at least two-thirds of its members are veterans, and have annual expenditures that demonstrate that at least 51% of the organization's expenses reflect support for veterans, service members, and their families; or (B) have a paid membership of at least 15 individuals and be associated with a congressionally chartered organization."; and

on page 3, line 20, after "all", by inserting "the"; and

on page 3, line 21, by replacing "Section 20" with "Section 15"; and

on page 4, line 2, by replacing "5" with "3"; and

on page 4, line 3, after "status", by inserting "at least 120 days"; and

on page 4, line 9, by replacing "Section 20" with "Section 15".

Floor Amendment No. 2 was held in the Committee on Assignments.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Gillespie, **House Bill No. 2222** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 2222

AMENDMENT NO. 1 . Amend House Bill 2222 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 8.5 as follows: (20 ILCS 3960/8.5)

(Section scheduled to be repealed on December 31, 2029)

Sec. 8.5. Certificate of exemption for change of ownership of a health care facility; discontinuation of a category of service; public notice and public hearing.

(a) Upon a finding that an application for a change of ownership is complete, the State Board shall publish a legal notice on 3 consecutive days in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on 3 consecutive days. The applicant shall pay the cost incurred by the Board in publishing the change of ownership notice in newspapers as required under this subsection. The legal notice shall also be posted on the Health Facilities and Services Review Board's web site and sent to the State Representative and State Senator of the district in which the health care facility is located and to the Office of the Attorney General. An application for change of ownership of a hospital shall not be deemed complete without a signed certification that for a period of 2 years after the change of ownership transaction is effective, the hospital will not adopt a charity care policy that is more restrictive than the policy in effect during the year prior to the transaction. An application for a change of ownership need not contain signed transaction documents so long as it includes the following key terms of the transaction: names and background of the parties; structure of the transaction; the person who will be the licensed or certified entity after the transaction; the ownership or membership interests in such licensed or certified entity both prior to and after the transaction; fair market value of assets to be transferred; and the purchase price or other form of consideration to be provided for those assets. The issuance of the certificate of exemption shall be contingent upon the applicant submitting a statement to the Board within 90 days after the closing date of the transaction, or such longer period as provided by the

Board, certifying that the change of ownership has been completed in accordance with the key terms contained in the application. If such key terms of the transaction change, a new application shall be required.

Where a change of ownership is among related persons, and there are no other changes being proposed at the health care facility that would otherwise require a permit or exemption under this Act, the applicant shall submit an application consisting of a standard notice in a form set forth by the Board briefly explaining the reasons for the proposed change of ownership. Once such an application is submitted to the Board and reviewed by the Board staff, the Board Chair shall take action on an application for an exemption for a change of ownership among related persons within 45 days after the application has been deemed complete, provided the application meets the applicable standards under this Section. If the Board Chair has a conflict of interest or for other good cause, the Chair may request review by the Board. Notwithstanding any other provision of this Act, for purposes of this Section, a change of ownership among related persons means a transaction where the parties to the transaction are under common control or ownership before and after the transaction is completed.

Nothing in this Act shall be construed as authorizing the Board to impose any conditions, obligations, or limitations, other than those required by this Section, with respect to the issuance of an exemption for a change of ownership, including, but not limited to, the time period before which a subsequent change of ownership of the health care facility could be sought, or the commitment to continue to offer for a specified time period any services currently offered by the health care facility.

The changes made by this amendatory Act of the 103rd General Assembly are inoperative on and after January 1, 2027.

(a-3) (Blank).

(a-5) Upon a finding that an application to discontinue a category of service is complete and provides the requested information, as specified by the State Board, an exemption shall be issued. No later than 30 days after the issuance of the exemption, the health care facility must give written notice of the discontinuation of the category of service to the State Senator and State Representative serving the legislative district in which the health care facility is located. No later than 90 days after a discontinuation of a category of service, the applicant must submit a statement to the State Board certifying that the discontinuation is complete.

(b) If a public hearing is requested, it shall be held at least 15 days but no more than 30 days after the date of publication of the legal notice in the community in which the facility is located. The hearing shall be held in the affected area or community in a place of reasonable size and accessibility and a full and complete written transcript of the proceedings shall be made. All interested persons attending the hearing shall be given a reasonable opportunity to present their positions in writing or orally. The applicant shall provide a summary or describe the proposed change of ownership at the public hearing.

(c) For the purposes of this Section "newspaper of limited circulation" means a newspaper intended to serve a particular or defined population of a specific geographic area within a Metropolitan Statistical Area such as a municipality, town, village, township, or community area, but does not include publications of professional and trade associations.

(d) The changes made to this Section by this amendatory Act of the 101st General Assembly shall apply to all applications submitted after the effective date of this amendatory Act of the 101st General Assembly.

(Source: P.A. 100-201, eff. 8-18-17; 101-83, eff. 7-15-19.)

Section 10. The State Finance Act is amended by adding Section 5.990 as follows:

(30 ILCS 105/5.990 new)

Sec. 5.990. The Antitrust Enforcement Fund. This Section is repealed on January 1, 2027.

Section 15. The Illinois Antitrust Act is amended by changing Section 7.2 and by adding Sections 7.2a and 13 as follows:

(740 ILCS 10/7.2) (from Ch. 38, par. 60-7.2)

Sec. 7.2. (1) Whenever it appears to the Attorney General that any person has engaged in, is engaging in, or is about to engage in any act or practice prohibited by this Act, or that any person has assisted or participated in any agreement or combination of the nature described herein, he may, in his discretion, conduct an investigation as he deems necessary in connection with the matter and has the authority prior to the commencement of any civil or criminal action as provided for in the Act to subpoena witnesses, and pursuant to a subpoena (i) compel their attendance for the purpose of examining them under oath, (ii)

require the production of any books, documents, records, writings or tangible things hereafter referred to as "documentary material" which the Attorney General deems relevant or material to his investigation, for inspection, reproducing or copying under such terms and conditions as hereafter set forth, (iii) require written answers under oath to written interrogatories, or (iv) require compliance with a combination of the foregoing. Any subpoena issued by the Attorney General shall contain the following information:

(a) The statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation.

(b) The date and place at which time the person is required to appear or produce documentary material in his possession, custody or control or submit answers to interrogatories in the office of the Attorney General located in Springfield or Chicago. Said date shall not be less than 10 days from date of service of the subpoena.

(c) Where documentary material is required to be produced, the same shall be described by class so as to clearly indicate the material demanded.

The Attorney General is hereby authorized, and may so elect, to require the production, pursuant to this section, of documentary material or interrogatory answers prior to the taking of any testimony of the person subpoenaed. Said documentary material shall be made available for inspection and copying during normal business hours at the principal place of business of the person served, or at such other time and place, as may be agreed upon by the person served and the Attorney General. When documentary material is demanded by subpoena, said subpoena shall not:

(i) contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this State; or

(ii) require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this State.

(2) The production of documentary material in response to a subpoena served pursuant to this Section shall be made under a sworn certificate, in such form as the subpoena designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person or persons having knowledge of the facts and circumstances relating to such production, to the effect that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian. Answers to interrogatories shall be accompanied by a statement under oath attesting to the accuracy of the answers.

While in the possession of the Attorney General and under such reasonable terms and conditions as the Attorney General shall prescribe: (A) documentary material shall be available for examination by the person who produced such material or by any duly authorized representative of such person, (B) transcript of oral testimony shall be available for examination by the person who produced such testimony, or his or her counsel and (C) answers to interrogatories shall be available for examination by the person who swore to their accuracy.

Except as otherwise provided in this Section, no documentary material, transcripts of oral testimony, or answers to interrogatories, or copies thereof, in the possession of the Attorney General shall be available for examination by any individual other than an authorized employee of the Attorney General or other law enforcement officials, federal, State, or local, without the consent of the person who produced such material, transcripts, or interrogatory answers. Such documentary material, transcripts of oral testimony, or answers to interrogatories, or copies thereof may be used by the Attorney General in any administrative or judicial action or proceeding.

For purposes of this Section, all documentary materials, transcripts of oral testimony, ~~or~~ answers to interrogatories obtained by the Attorney General from other law enforcement officials, information voluntarily produced to the Attorney General for purposes of any investigation conducted under subsection (1), or information provided to the Attorney General pursuant to the notice requirement of Section 7.2a shall be treated as if produced pursuant to a subpoena served pursuant to this Section for purposes of maintaining the confidentiality of such information.

The changes made by this amendatory Act of the 103rd General Assembly are inoperative on and after January 1, 2027.

(3) No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part by any person with any duly served subpoena of the Attorney General under this Act, knowingly remove from any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any documentary material that is the subject of such subpoena. A violation of this subsection is a Class A misdemeanor. The Attorney General, with such assistance as he may from time to time require of the State's Attorneys in the

several counties, shall investigate suspected violations of this subsection and shall commence and try all prosecutions under this subsection.

(Source: P.A. 96-751, eff. 1-1-10; 96-1000, eff. 7-2-10.)

(740 ILCS 10/7.2a new)

Sec. 7.2a. Notification to the Attorney General.

(a) As used in this Section:

"Acquisition" means an agreement, arrangement, or activity the consummation of which results in a person acquiring directly or indirectly the control of another person. "Acquisition" includes the acquisition of voting securities and noncorporate interests, such as assets, capital stock, membership interests, or equity interests.

"Contracting affiliation" means the formation of a relationship between 2 or more entities that permits the entities to negotiate jointly with health carriers or third-party administrators over rates for professional medical services, or for one entity to negotiate on behalf of the other entity with health carriers or third-party administrators over rates for professional medical services. "Contracting affiliation" does not include arrangements among entities under common ownership.

"Covered transaction" means any merger, acquisition, or contracting affiliation between 2 or more health care facilities or provider organizations not previously under common ownership or contracting affiliation.

"Health care facility" means the following facilities, organizations, and related persons:

(1) An ambulatory surgical treatment center required to be licensed under the Ambulatory Surgical Treatment Center Act.

(2) An institution, place, building, or agency required to be licensed under the Hospital Licensing Act.

(3) A hospital, ambulatory surgical treatment center, or kidney disease treatment center maintained by the State or any department or agency thereof.

(4) A kidney disease treatment center, including a free-standing hemodialysis unit required to meet the requirements of 42 CFR 494 in order to be certified for participation in Medicare and Medicaid under Titles XVIII and XIX of the federal Social Security Act of 1935.

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

(6) An institution, place, building, or room used for provision of a health care category of service, as defined under the Illinois Health Facilities Planning Act, including, but not limited to, cardiac catheterization and open heart surgery.

With the exception of those health care facilities specifically included in this Section, nothing in this Section shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his or her individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Section shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his or her individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups, unless the entity constructs, modifies, or establishes a health care facility as specifically defined in this Section.

"Health care services revenue" means the total revenue received for health care services in the previous 12 months.

"Health carriers" has the meaning given to that term in Section 10 of the Health Carrier External Review Act.

"Illinois health care entity" means a health care facility or provider organization that has an office in or is doing business in this State.

"Merger" means the consolidation of 2 or more organizations, including 2 or more organizations joining through a common parent organization or 2 or more organizations forming a new organization, but does not include a corporate reorganization.

"Out-of-state health care entity" means a health care facility or provider organization that is not headquartered in this State and does not do business in this State.

"Provider organization" means a corporation, partnership, business trust, association, or organized group of persons, whether incorporated or not, which is in the business of health care delivery or

management and that represents 20 or more health care providers in contracting with health carriers or third-party administrators for the payment of health care services. "Provider organization" includes physician organizations, physician-hospital organizations, independent practice associations, provider networks, and accountable care organizations.

"Third-party administrator" means an entity that administers payments for health care services on behalf of a client in exchange for an administrative fee.

(b) Health care facilities or provider organizations that are party to a covered transaction shall provide notice of such transaction to the Attorney General no later than 30 days prior to the transaction closing or effective date of the transaction.

Covered transactions between an Illinois health care entity and an out-of-state health care entity must provide notice under this subsection where the out-of-state entity generates $10,000,000 or more in annual revenue from patients residing in this State.

(c) The written notice provided by the parties under subsection (b) shall be provided as follows:

(1) For any health care facility or provider organization that is a party to a covered transaction and files a premerger notification with the Federal Trade Commission or the United States Department of Justice, in compliance with the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. 18a, the notice requirement is satisfied by providing a copy of such filing to the Attorney General at the same time as it is provided to the federal government.

(2) For any health care facility that is a party to a covered transaction that is not described in paragraph (1), the notice requirement is satisfied when the healthcare facility files an application for a change of ownership with the Health Facilities and Services Review Board, in compliance with the Illinois Health Facilities Planning Act. The Health Facilities and Services Review Board shall provide a copy of such filing to the Attorney General at the same time as it is provided to the applicable State legislators under subsection (a) of Section 8.5 of the Illinois Health Facilities Planning Act.

(3) For any health care facility or provider organization that is a party to a covered transaction that is not described in paragraph (1) or (2), written notice provided by the parties must include:

(A) the names of the parties and their current business address;

(B) identification of all locations where health care services are currently provided by each party;

(C) a brief description of the nature and purpose of the proposed transaction; and

(D) the anticipated effective date of the proposed transaction.

Nothing in this subsection prohibits the parties to a covered transaction from voluntarily providing additional information to the Attorney General.

(d) The Attorney General may make any requests for additional information from the parties that is relevant to its investigation of the covered transaction within 30 days of the date notice is received under subsections (b) and (c). If the Attorney General requests additional information, the covered transaction may not proceed until 30 days after the parties have substantially complied with the request. Any subsequent request for additional information by the Attorney General shall not further delay the covered transaction from proceeding. Nothing in this Section precludes the Attorney General from conducting an investigation or enforcing State or federal antitrust laws at a later date.

(e) Any health care facility or provider organization that fails to comply with any provision of this Section is subject to a civil penalty of not more than $500 per day for each day during which the health care facility or provider organization is in violation of this Section.

Whenever the Attorney General has reason to believe that a health care facility or provider organization has engaged in or is engaging in a covered transaction without complying with the provisions of this Section, the Attorney General may apply for and obtain, in an action in the Circuit Court of Sangamon or Cook County, a temporary restraining order or injunction, or both, prohibiting the health care facility or provider organization from continuing its noncompliance or doing any act in furtherance thereof. The court may make such further orders or judgments, at law or in equity, as may be necessary to remedy such noncompliance.

Before bringing such an action or seeking to recover a civil penalty, the Attorney General shall permit the health care facility or provider organization to come into compliance with this Section within 10 days of being notified of its alleged noncompliance. The right to cure noncompliance does not exist on or after the covered transaction's proposed or actual closing date of the covered transaction, whichever is sooner.

(f) This Section is repealed on January 1, 2027.

(740 ILCS 10/13 new)

Sec. 13. Antitrust Enforcement Fund. Any penalties collected from an entity for violations of this Act shall be deposited into the Antitrust Enforcement Fund, a special fund created in the State treasury that is dedicated to enforcing this Act.

This Section is repealed on January 1, 2027.

Section 99. Effective date. This Act takes effect January 1, 2024.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 3337** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Edly-Allen, **House Bill No. 3751** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ellman, **House Bill No. 3932** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peters, **House Bill No. 1258** having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 285** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 285

AMENDMENT NO. 1 . Amend Senate Bill 285 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Controlled Substances Act is amended by changing Sections 316 and 317 and by adding Section 316.1 as follows:

(720 ILCS 570/316)

Sec. 316. Prescription Monitoring Program.

(a) The Department must provide for a Prescription Monitoring Program for Schedule II, III, IV, and V controlled substances that includes the following components and requirements:

(1) The dispenser must transmit to the central repository, in a form and manner specified by the Department, the following information:

(A) The recipient's name and address.

(B) The recipient's date of birth and gender.

(C) The national drug code number of the controlled substance dispensed.

(D) (Blank). ~~The date the controlled substance is dispensed.~~

(E) The quantity of the controlled substance dispensed and days supply.

(F) The dispenser's United States Drug Enforcement Administration registration number.

(G) The prescriber's United States Drug Enforcement Administration registration number.

(H) The dates the controlled substance prescription is filled.

(I) The payment type used to purchase the controlled substance (i.e. Medicaid, cash, third party insurance).

(J) The patient location code (i.e. home, nursing home, outpatient, etc.) for the controlled substances other than those filled at a retail pharmacy.

(K) Any additional information that may be required by the department by administrative rule, including but not limited to information required for compliance with the criteria for electronic reporting of the American Society for Automation and Pharmacy or its successor.

(2) The information required to be transmitted under this Section must be transmitted not later than the end of the business day on which a controlled substance is dispensed, or at such other time as may be required by the Department by administrative rule.

(3) A dispenser must transmit electronically, as provided by Department rule, the information required to be transmitted under this Section. ~~by:~~

~~(A) an electronic device compatible with the receiving device of the central repository;~~

~~(B) a computer diskette;~~

~~(C) a magnetic tape; or~~

~~(D) a pharmacy universal claim form or Pharmacy Inventory Control form.~~

(3.5) The requirements of paragraphs (1), (2), and (3) of this subsection also apply to opioid treatment programs that are licensed or certified by the Department of Human Services' Division of Substance Use Prevention and Recovery and are authorized by the federal Drug Enforcement Administration to prescribe Schedule II, III, IV, or V controlled substances for the treatment of opioid use disorders. Opioid treatment programs shall attempt to obtain written patient consent, shall document attempts to obtain the written consent, and shall not transmit information without patient consent. Documentation obtained under this paragraph shall not be utilized for law enforcement purposes, as proscribed under 42 CFR 2, as amended by 42 U.S.C. 290dd-2. Treatment of a patient shall not be conditioned upon his or her written consent.

(4) The Department may impose a civil fine of up to $100 per day for willful failure to report controlled substance dispensing to the Prescription Monitoring Program. The fine shall be calculated on no more than the number of days from the time the report was required to be made until the time the problem was resolved, and shall be payable to the Prescription Monitoring Program.

(a-5) Notwithstanding subsection (a), a licensed veterinarian is exempt from the reporting requirements of this Section. If a person who is presenting an animal for treatment is suspected of fraudulently obtaining any controlled substance or prescription for a controlled substance, the licensed veterinarian shall report that information to the local law enforcement agency.

(b) The Department, by rule, may include in the Prescription Monitoring Program certain other select drugs that are not included in Schedule II, III, IV, or V. The Prescription Monitoring Program does not apply to controlled substance prescriptions as exempted under Section 313.

(c) The collection of data on select drugs and scheduled substances by the Prescription Monitoring Program may be used as a tool for addressing oversight requirements of long-term care institutions as set forth by Public Act 96-1372. Long-term care pharmacies shall transmit patient medication profiles to the Prescription Monitoring Program monthly or more frequently as established by administrative rule.

(d) The Department of Human Services shall appoint a full-time Clinical Director of the Prescription Monitoring Program.

(e) (Blank).

(f) It is the responsibility of any new, ceased, or unconnected healthcare facility and its selected Electronic Health Records System or Pharmacy Management System to make contact with and ensure integration with the Prescription Monitoring Program. As soon as practicable after the effective date of this amendatory Act of the 103rd General Assembly, the Department shall adopt rules requiring Electronic Health Records Systems and Pharmacy Management Systems to interface, by January 1, 2024, with the Prescription Monitoring Program to ensure that providers have access to specific patient records during the treatment of their patients. The Department shall identify actions to be taken if a prescriber's Electronic Health Records System and Pharmacy Management Systems does not effectively interface with the Prescription Monitoring Program once the Prescription Monitoring Program is aware of the non-integrated connection. ~~Within one year of January 1, 2018 (the effective date of Public Act 100-564), the Department shall adopt rules requiring all Electronic Health Records Systems to interface with the Prescription Monitoring Program application program on or before January 1, 2021 to ensure that all providers have access to specific patient records during the treatment of their patients. These rules shall also address the electronic integration of pharmacy records with the Prescription Monitoring Program to allow for faster transmission of the information required under this Section. The Department shall establish actions to be taken if a prescriber's Electronic Health Records System does not effectively interface with the Prescription Monitoring Program within the required timeline.~~

(g) The Department, in consultation with the Prescription Monitoring Program Advisory Committee, shall adopt rules allowing licensed prescribers or pharmacists who have registered to access the Prescription Monitoring Program to authorize a licensed or non-licensed designee employed in that licensed prescriber's

office or a licensed designee in a licensed pharmacist's pharmacy who has received training in the federal Health Insurance Portability and Accountability Act and 42 CFR 2 to consult the Prescription Monitoring Program on their behalf. The rules shall include reasonable parameters concerning a practitioner's authority to authorize a designee, and the eligibility of a person to be selected as a designee. In this subsection (g), "pharmacist" shall include a clinical pharmacist employed by and designated by a Medicaid Managed Care Organization providing services under Article V of the Illinois Public Aid Code under a contract with the Department of Healthcare and Family Services for the sole purpose of clinical review of services provided to persons covered by the entity under the contract to determine compliance with subsections (a) and (b) of Section 314.5 of this Act. A managed care entity pharmacist shall notify prescribers of review activities.
(Source: P.A. 101-81, eff. 7-12-19; 101-414, eff. 8-16-19; 102-527, eff. 8-20-21; 102-813, eff. 5-13-22.)

(720 ILCS 570/316.1 new)

Sec. 316.1. Access to the integration of pharmacy records with the Prescription Monitoring Program.

(a) Subject to the requirements and limitations set out in this Section and in administrative rule, the Department shall not require, either expressly or effectively, Electronic Health Records Systems, pharmacies, or other providers to utilize a particular entity or system for access to the integration of pharmacy records with the Prescription Monitoring Program.

(1) Any entity or system for integration (transmitting the data maintained by the Prescription Monitoring Program) into an Electronic Health Records System, Certified Health IT Module, Pharmacy Dispensing System, or Pharmacy Management System must meet applicable requirements outlined in administrative rule, including, but not limited to, the following:

(A) enter into a data sharing agreement with the Department of Human Services, Prescription Monitoring Program;

(B) all security requirements noted within this Section, administrative rule, and all other applicable State and federal security and privacy requirements;

(C) the Prescription Monitoring Program shall have administrative control over the approval of each site and individual integration point and the Prescription Monitoring Program shall have the ability to disable individual integration points, at no additional cost to the State;

(D) interstate data sharing shall be completed with written authorization from the Prescription Monitoring Program;

(E) data available from the Prescription Monitoring Program shall not be stored, cached, or sold and the State may inspect and review an entity or system for integration to assure and confirm the same, subject to a reasonable non-disclosure agreement, as permitted by State law, to protect the entity's or system's trade secrets or other proprietary information;

(F) analysis of data shall only be allowed with express written permission from the Prescription Monitoring Program; and

(G) access to audit data, shall be available in hourly to real-time increments at no cost to the State.

(2) Electronic Health Record Systems, Certified Health IT Modules, Pharmacy Management Systems, and Pharmacy Dispensing Systems integrated with the Prescription Monitoring Program must meet applicable requirements outlined in rule, including, but not limited to, the following:

(A) provide their customers (healthcare entity, pharmacy, provider, prescriber, dispenser, etc.) the choice of approved integration vendor, meeting the requirements of this Section and administrative rule, or direct connect to the Illinois Prescription Monitoring Program;

(B) provide their customers with access to the data provided by the customer's chosen integration vendor as allowed under State and federal statute; and

(C) follow all State and federal security and privacy standards.

(3) Customers required to integrate under State or federal law must meet the requirements outlined in administrative rule, including, but not limited to, the following:

(A) the customer retains the choice of which integration vendor or direct connect is utilized to connect to the Illinois Prescription Monitoring Program; and

(B) customers seeking to contract with a new integration vendor, shall enter into a memorandum of understanding with the Prescription Monitoring Program.

(b) The Illinois Prescription Monitoring Program may exercise the power, by rule, to require Memoranda of Understanding with all customers. The general contents of the memorandum of understanding shall be set out in rule and shall include, but not be limited to:

(1) the acknowledgment and choice of the customer of the method of integration with the Prescription Monitoring Program and

(2) the data use and other requirements on the customer in accessing and using the Prescription Monitoring Program.

A fee cannot be levied as part of a memorandum of understanding required by the Department under this Section.

(c) Non-compliance by the Integration Vendor, Electronic Health Record System, Certified Health IT Module, Pharmacy Management System or Pharmacy Dispensing System, customer, or any parties required to comply with this Section may result in the party being prohibited from serving as entity or system for integration with the Prescription Monitoring Program, termination of contracts, agreements, or other business relationships. The Department shall institute appropriate cure notices, as necessary to remedy non-compliance.

(720 ILCS 570/317)

Sec. 317. Central repository for collection of information.

(a) The Department must designate a central repository for the collection of information transmitted under Section 316 and former Section 321.

(b) The central repository must do the following:

(1) Create a database for information required to be transmitted under Section 316 in the form required under rules adopted by the Department, including search capability for the following:

(A) A recipient's name and address.

(B) A recipient's date of birth and gender.

(C) The national drug code number of a controlled substance dispensed.

(D) (Blank). ~~The dates a controlled substance is dispensed.~~

(E) The quantities and days supply of a controlled substance dispensed.

(F) A dispenser's Administration registration number.

(G) A prescriber's Administration registration number.

(H) The dates the controlled substance prescription is filled.

(I) The payment type used to purchase the controlled substance (i.e. Medicaid, cash, third party insurance).

(J) The patient location code (i.e. home, nursing home, outpatient, etc.) for controlled substance prescriptions other than those filled at a retail pharmacy.

(2) Provide the Department with a database maintained by the central repository. The Department of Financial and Professional Regulation must provide the Department with electronic access to the license information of a prescriber or dispenser.

(3) Secure the information collected by the central repository and the database maintained by the central repository against access by unauthorized persons.

All prescribers shall designate one or more medical specialties or fields of medical care and treatment for which the prescriber prescribes controlled substances when registering with the Prescription Monitoring Program.

No fee shall be charged for access by a prescriber or dispenser.

(Source: P.A. 99-480, eff. 9-9-15.)

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 316.1 takes effect July 1, 2024.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 285** having been transcribed and typed and all amendments adopted thereto having been printed, 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Belt	Gillespie	Martwick	Stoller
Bennett	Glowiak Hilton	McClure	Syverson
Bryant	Harris, N.	McConchie	Tracy
Castro	Harriss, E.	Morrison	Turner, D.
Cervantes	Hastings	Murphy	Turner, S.
Chesney	Holmes	Peters	Ventura
Cunningham	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Feigenholtz	Lewis	Simmons	
Fine	Lightford	Sims	

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 and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 800** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 800

AMENDMENT NO. 1 . Amend Senate Bill 800 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.37 and by adding Section 4.42 as follows:

(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027. The following are repealed on January 1, 2027:

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

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

The Boiler and Pressure Vessel Repairer Regulation Act.

The Marriage and Family Therapy Licensing Act.

The Boxing and Full-contact Martial Arts Act.

The Cemetery Oversight Act.

The Community Association Manager Licensing and Disciplinary Act.

The Detection of Deception Examiners Act.

The Home Inspector License Act.

The Massage Licensing Act.

The Medical Practice Act of 1987.

The Petroleum Equipment Contractors Licensing Act.

The Radiation Protection Act of 1990.
The Real Estate Appraiser Licensing Act of 2002.
The Registered Interior Designers Act.
The Landscape Architecture Registration Act.
The Water Well and Pump Installation Contractor's License Act.
~~The Collateral Recovery Act.~~
The Licensed Certified Professional Midwife Practice Act.
(Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21; 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff. 10-1-22; 102-813, eff. 5-13-22.)

(5 ILCS 80/4.42 new)

Sec. 4.42. Acts repealed on January 1, 2032. The following Acts are repealed on January 1, 2032:
The Collateral Recovery Act.

Section 10. The Collateral Recovery Act is amended by changing Sections 5, 10, and 110 as follows:

(225 ILCS 422/5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Findings; purpose.

(a) The General Assembly finds: (i) due to advancements in technology, personal information associated with consumers is increasingly collected and stored on motor vehicles that function as collateral in secured loans; (ii) the loss or breach of such personal information can cause consumers financial and personal harm and loss, including, but not limited to, harm and loss associated with identity theft and loss of privacy; (iii) when motor vehicles are repossessed, it is critical that consumers be protected from such harm and loss; (iv) personal property that is inside motor vehicles when they are repossessed often includes hazardous materials which must be properly disposed of for the sake of public safety and environmental protection; and (v) ~~that~~ collateral recovery practices affect public health, safety, and welfare. ~~and~~

(b) The General Assembly declares that the purpose of this Act is to: (i) regulate individuals and entities engaged in the business of collateral recovery for the protection of the public; (ii) ensure that repossession agencies protect motor vehicle collateral consumers from potential harm and loss associated with personal information that is collected and stored on motor vehicles; and (iii) ensure the proper recycling and disposal of hazardous materials that are inside repossessed motor vehicles.
(Source: P.A. 97-576, eff. 7-1-12.)

(225 ILCS 422/10)

(Section scheduled to be repealed on January 1, 2027)

Sec. 10. Definitions. In this Act:

"Assignment" means a written authorization by a legal owner, lien holder, lessor, lessee, or licensed repossession agency authorized by a legal owner, lien holder, lessor or lessee to locate or repossess, involuntarily or voluntarily, any collateral, including, but not limited to, collateral registered under the Illinois Vehicle Code that is subject to a security agreement that contains a repossession clause or is the subject of a rental or lease agreement.

"Assignment" also means a written authorization by an employer to recover any collateral entrusted to an employee or former employee if the possessor is wrongfully in the possession of the collateral. A photocopy, facsimile copy, or electronic copy of an assignment shall have the same force and effect as an original written assignment.

"Automobile rental company" means a person or entity whose primary business is renting motor vehicles to the public for 30 days or less.

"Branch office" means each additional office and secured storage facility location of a repossession agency (i) located in and conducting business within the State of Illinois and (ii) operating under the same name as the repossession agency where business is actively conducted or is engaged in the business authorized by the licensure. Each branch office must be individually licensed.

"Collateral" means any vehicle, boat, recreational vehicle, motor home, motorcycle, or other property that is subject to a security, lease, or rental agreement.

"Commission" means the Illinois Commerce Commission.

"Debtor" means any person or entity obligated under a lease, rental, or security agreement.

"Financial institution" means a bank, a licensee under the Consumer Installment Loan Act, savings bank, savings and loan association, or credit union organized and operating under the laws of this or any other state or of the United States, and any subsidiary or affiliate thereof.

"Hazardous material" means:

(1) material defined as (i) a hazardous material by the United States Department of Transportation under Title 49 of the Code of Federal Regulations or (ii) hazardous waste by the federal Environmental Protection Agency through administrative rule; or

(2) batteries, motor fuel, motor oil, antifreeze, prescribed or not-prescribed drugs, medical waste, cleansers, insecticides, herbicides, ammunition, paint, lighter fluid, light bulbs, or any other material or personal effect that a licensed repossession agency reasonably and in good faith would conclude to be hazardous or unsafe if disposed of without safeguards.

"Legal owner" means a person holding (i) a security interest in any collateral that is subject to a security agreement, (ii) a lien against any collateral, or (iii) an interest in any collateral that is subject to a lease or rental agreement.

"Licensure" means the approval of the required criteria that has been submitted for review in accordance with the provisions of this Act.

"Licensed recovery manager" means a person who possesses a valid license in accordance with the provisions of this Act and is in control or management of an Illinois repossession agency.

"Personal effects" means any property contained within or on repossessed collateral, or property that is not permanently affixed to the collateral, that is not the property of the legal owner, including hazardous materials.

"Personal information" means information that is associated with an owner, driver, or passenger of the collateral and that is collected and stored by electronic means or systems in or by the collateral during the course of its use, including, but not limited to: (i) biometric information, as defined by the Biometric Information Privacy Act, contacts, addresses, telephone numbers, garage door codes, map data, and digital subscriptions; (ii) information that is deemed "sensitive personal information" by the Federal Trade Commission, "personally identifiable information" under federal law or the Personal Information Protection Act, or "individually identifiable health information" under the federal Health Insurance Portability and Accountability Act; and (iii) information that a licensed repossession agency reasonably believes would be deemed confidential or private by the person who is associated with the information.

"Recovery permit" means a permit issued by the Commission to a repossession agency employee who has met all the requirements under this Act.

"Recovery ticket" means a serialized record obtained from the Commission for any repossessed vehicle or collateral evidencing that any person, business, financial institution, automotive dealership, or repossession agency who shows a recovery ticket has paid the recovery ticket fee to the Commission.

"Remote storage location" means a secured storage facility of a licensed repossession agency designated for the storage of collateral that is a secure building or has a perimeter that is secured with a fencing construction that makes the area not accessible to the public. A remote storage location shall not transact business with the public and shall provide evidence of applicable insurance to the Commission that specifies the licensed repossession agency as the primary policy holder. A remote storage location shall be located in a commercially zoned area physically located in Illinois.

"Repossession agency" means any person or entity conducting business within the State of Illinois, that, for any type of consideration, engages in the business of, accepts employment to furnish, or agrees to provide or provides property locating services, property recovery, recovered property transportation, recovered property storage, or all services relevant to any of the following:

(1) The location, disposition, or recovery of property as authorized by the self-help provisions of the Uniform Commercial Code.

(2) The location, disposition, or recovery of lost or stolen property.

(3) Securing evidence concerning repossession and recovery to be used before any court, board, office, or investigating committee.

(4) Inventory of property contained in or on the collateral or recovered property.

(5) The possession of collateral.

(6) The prevention of the misappropriation or concealment of chattel, vehicles, goods, objects, documents, or papers.

"Repossession agency" does not include any of the following:

(1) An attorney at law who is performing his or her duties as an attorney at law.

(2) The legal owner of collateral that is subject to a security agreement.

(3) An officer or employee of the United States of America or of this State or a political subdivision of this State while the officer or employee is engaged in the performance of his or her official duties.

(4) A qualified license or recovery permit holder when performing services for, or on behalf of, a licensed repossession agency.

(5) A collection agency licensed under the Collection Agency Act when its activities are limited to assisting an owner in the recovery of property that is not collateral, as defined in this Act.

"Repossession agency employee" means any person or self-employed independent contractor who is hired by a repossession agency.

"Salvage auction" means a person or entity whose primary business is the sale of motor vehicles for which insurance companies have made payment of damages on total loss claims.

"Secured storage facility" means an area located on the same premises as a repossession agency office or branch office that is designated for the storage of collateral and is a secure building or has a perimeter that is secured with a fencing construction that makes the area not accessible to the public. Each repossession agency office or branch office must maintain a secured storage facility.

"Security agreement" means an obligation, pledge, mortgage, chattel mortgage, lease agreement, rental agreement, deposit, or lien, given by a debtor as security for payment or performance of his or her debt by furnishing the creditor with a recourse to be used in case of failure in the principal obligation. "Security agreement" includes a bailment where an employer-employee relationship exists or existed between the bailor and the bailee.

(Source: P.A. 97-576, eff. 7-1-12; 97-708, eff. 7-1-12.)

(225 ILCS 422/110)

(Section scheduled to be repealed on January 1, 2027)

Sec. 110. Repossession of vehicles.

(a) With regard to collateral subject to a security agreement, repossession occurs when the licensed repossession agency employee gains entry into the collateral, the collateral becomes connected to a tow vehicle, or the licensed repossession agency employee has physical control, custody, or possession of the collateral.

(b) The licensed repossession agency shall confirm with the legal owner of a recovered vehicle whether the legal owner holds a security interest in the personal effects or other property contained in or on the recovered vehicle.

(c) If personal effects or other property not covered by a security agreement are contained in or on a recovered vehicle at the time it is recovered, then the personal effects and other property not covered by a security agreement must be completely and accurately inventoried, and a record of the inventory shall be maintained on file with the licensed repossession agency for a period of 2 years following the date of repossession. The licensed repossession agency shall hold all personal effects and other property not covered by a security agreement until the licensed repossession agency either returns the personal effects and other property to the debtor or disposes of the personal effects and other property in accordance with this Section.

(d) Within 5 working days following the date of repossession, the licensed repossession agency shall give written notification to the debtor of the whereabouts of personal effects or other property inventoried. At least 45 days prior to disposing of such personal effects or other property, the licensed repossession agency shall, by United States Postal Service certified mail, notify the debtor of the intent to dispose of the property. Should the debtor, or his or her lawful designee, appear to retrieve the personal property prior to the date on which the licensed repossession agency is allowed to dispose of the property, the licensed repossession agency shall surrender the personal property to that individual upon payment of any reasonably incurred expenses for inventory and storage.

(e) If personal property is not claimed within 45 days of the notice of intent to dispose, then the licensed repossession agency may dispose of the personal property at its discretion, except that illegal items or contraband shall be surrendered to a law enforcement agency, and the licensed repossession agency shall retain a receipt or other proof of surrender as part of the inventory, ~~and~~ disposal records, and recordkeeping it maintains. The licensed repossession agency shall recycle or dispose of any personal effect that is a hazardous material in the manner required by State or federal law. In any instance in which a licensed repossessing agency certifies both that a repossessed vehicle contains one or more hazardous materials and that the agency disposed of such hazardous materials, the legal owner shall pay the licensed repossessing agency a disposal or recycling surcharge fee plus such additional fees as are charged pursuant to federal,

State, or local law, ordinance, regulation, or rule for the disposal of the relevant hazardous material or materials. The first surcharge fee shall be $50. On January 15, 2025 and each year thereafter, the Commission shall adjust and publish a new surcharge fee, calculated according to the previous year's Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the federal Department of Labor. The inventory of the personal property and the records regarding any disposal of personal property, including a receipt or other proof of disposal or recycling of hazardous material, shall be maintained for a period of 2 years in the permanent records of the licensed repossession agency and shall be made available upon request to the Commission.

(f) If a licensed repossession agency has cause to believe that a vehicle that serves as collateral collects or stores personal information, as defined under Section 10, then, as soon as practicable upon repossession of the vehicle and prior to the release of the vehicle from the possession of the licensed repossession agency, the licensed repossession agency shall clear, erase, delete, or otherwise eliminate the personal information collected or stored in or by the vehicle by utilizing a standardized electronic solution that has been approved by the American Recovery Association.

(Source: P.A. 97-576, eff. 7-1-12.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 800

AMENDMENT NO. 2 . Amend Senate Bill 800 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.37 and by adding Section 4.42 as follows:

(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027. The following are repealed on January 1, 2027:

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

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

The Boiler and Pressure Vessel Repairer Regulation Act.

The Marriage and Family Therapy Licensing Act.

The Boxing and Full-contact Martial Arts Act.

The Cemetery Oversight Act.

The Community Association Manager Licensing and Disciplinary Act.

The Detection of Deception Examiners Act.

The Home Inspector License Act.

The Massage Licensing Act.

The Medical Practice Act of 1987.

The Petroleum Equipment Contractors Licensing Act.

The Radiation Protection Act of 1990.

The Real Estate Appraiser Licensing Act of 2002.

The Registered Interior Designers Act.

The Landscape Architecture Registration Act.

The Water Well and Pump Installation Contractor's License Act.

~~The Collateral Recovery Act.~~

The Licensed Certified Professional Midwife Practice Act.

(Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21; 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff. 10-1-22; 102-813, eff. 5-13-22.)

(5 ILCS 80/4.42 new)

Sec. 4.42. Acts repealed on January 1, 2032. The following Acts are repealed on January 1, 2032:

The Collateral Recovery Act.

Section 10. The Collateral Recovery Act is amended by changing Sections 5, 10, and 110 as follows:

(225 ILCS 422/5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Findings; purpose.

(a) The General Assembly finds: (i) due to advancements in technology, personal information associated with consumers is increasingly collected and stored on motor vehicles that function as collateral in secured loans; (ii) the loss or breach of such personal information can cause consumers financial and personal harm and loss, including, but not limited to, harm and loss associated with identity theft and loss of privacy; (iii) when motor vehicles are repossessed, it is critical that consumers be protected from such harm and loss; and (iv) ~~that~~ collateral recovery practices affect public health, safety, and welfare. ~~and~~

(b) The General Assembly declares that the purpose of this Act is to: (i) regulate individuals and entities engaged in the business of collateral recovery for the protection of the public; and (ii) ensure that repossession agencies protect motor vehicle collateral consumers from potential harm and loss associated with personal information that is collected and stored on motor vehicles.

(Source: P.A. 97-576, eff. 7-1-12.)

(225 ILCS 422/10)

(Section scheduled to be repealed on January 1, 2027)

Sec. 10. Definitions. In this Act:

"Assignment" means a written authorization by a legal owner, lien holder, lessor, lessee, or licensed repossession agency authorized by a legal owner, lien holder, lessor or lessee to locate or repossess, involuntarily or voluntarily, any collateral, including, but not limited to, collateral registered under the Illinois Vehicle Code that is subject to a security agreement that contains a repossession clause or is the subject of a rental or lease agreement.

"Assignment" also means a written authorization by an employer to recover any collateral entrusted to an employee or former employee if the possessor is wrongfully in the possession of the collateral. A photocopy, facsimile copy, or electronic copy of an assignment shall have the same force and effect as an original written assignment.

"Automobile rental company" means a person or entity whose primary business is renting motor vehicles to the public for 30 days or less.

"Branch office" means each additional office and secured storage facility location of a repossession agency (i) located in and conducting business within the State of Illinois and (ii) operating under the same name as the repossession agency where business is actively conducted or is engaged in the business authorized by the licensure. Each branch office must be individually licensed.

"Collateral" means any vehicle, boat, recreational vehicle, motor home, motorcycle, or other property that is subject to a security, lease, or rental agreement.

"Commission" means the Illinois Commerce Commission.

"Debtor" means any person or entity obligated under a lease, rental, or security agreement.

"Financial institution" means a bank, a licensee under the Consumer Installment Loan Act, savings bank, savings and loan association, or credit union organized and operating under the laws of this or any other state or of the United States, and any subsidiary or affiliate thereof.

"Legal owner" means a person holding (i) a security interest in any collateral that is subject to a security agreement, (ii) a lien against any collateral, or (iii) an interest in any collateral that is subject to a lease or rental agreement.

"Licensure" means the approval of the required criteria that has been submitted for review in accordance with the provisions of this Act.

"Licensed recovery manager" means a person who possesses a valid license in accordance with the provisions of this Act and is in control or management of an Illinois repossession agency.

"Personal effects" means any property contained within or on repossessed collateral, or property that is not permanently affixed to the collateral, that is not the property of the legal owner.

"Personal information" means information that is associated with an owner, driver, or passenger of the collateral and that is collected and stored by electronic means or systems in or by the collateral during the course of its use, including, but not limited to: (i) biometric information, as defined by the Biometric Information Privacy Act, contacts, addresses, telephone numbers, garage door codes, map data, and digital subscriptions; (ii) information that is deemed "sensitive personal information" by the Federal Trade Commission, "personally identifiable information" under federal law or the Personal Information Protection Act, or "individually identifiable health information" under the federal Health Insurance Portability and

Accountability Act; and (iii) information that a licensed repossession agency reasonably believes would be deemed confidential or private by the person who is associated with the information.

"Recovery permit" means a permit issued by the Commission to a repossession agency employee who has met all the requirements under this Act.

"Recovery ticket" means a serialized record obtained from the Commission for any repossessed vehicle or collateral evidencing that any person, business, financial institution, automotive dealership, or repossession agency who shows a recovery ticket has paid the recovery ticket fee to the Commission.

"Remote storage location" means a secured storage facility of a licensed repossession agency designated for the storage of collateral that is a secure building or has a perimeter that is secured with a fencing construction that makes the area not accessible to the public. A remote storage location shall not transact business with the public and shall provide evidence of applicable insurance to the Commission that specifies the licensed repossession agency as the primary policy holder. A remote storage location shall be located in a commercially zoned area physically located in Illinois.

"Repossession agency" means any person or entity conducting business within the State of Illinois, that, for any type of consideration, engages in the business of, accepts employment to furnish, or agrees to provide or provides property locating services, property recovery, recovered property transportation, recovered property storage, or all services relevant to any of the following:

(1) The location, disposition, or recovery of property as authorized by the self-help provisions of the Uniform Commercial Code.

(2) The location, disposition, or recovery of lost or stolen property.

(3) Securing evidence concerning repossession and recovery to be used before any court, board, office, or investigating committee.

(4) Inventory of property contained in or on the collateral or recovered property.

(5) The possession of collateral.

(6) The prevention of the misappropriation or concealment of chattel, vehicles, goods, objects, documents, or papers.

"Repossession agency" does not include any of the following:

(1) An attorney at law who is performing his or her duties as an attorney at law.

(2) The legal owner of collateral that is subject to a security agreement.

(3) An officer or employee of the United States of America or of this State or a political subdivision of this State while the officer or employee is engaged in the performance of his or her official duties.

(4) A qualified license or recovery permit holder when performing services for, or on behalf of, a licensed repossession agency.

(5) A collection agency licensed under the Collection Agency Act when its activities are limited to assisting an owner in the recovery of property that is not collateral, as defined in this Act.

"Repossession agency employee" means any person or self-employed independent contractor who is hired by a repossession agency.

"Salvage auction" means a person or entity whose primary business is the sale of motor vehicles for which insurance companies have made payment of damages on total loss claims.

"Secured storage facility" means an area located on the same premises as a repossession agency office or branch office that is designated for the storage of collateral and is a secure building or has a perimeter that is secured with a fencing construction that makes the area not accessible to the public. Each repossession agency office or branch office must maintain a secured storage facility.

"Security agreement" means an obligation, pledge, mortgage, chattel mortgage, lease agreement, rental agreement, deposit, or lien, given by a debtor as security for payment or performance of his or her debt by furnishing the creditor with a recourse to be used in case of failure in the principal obligation. "Security agreement" includes a bailment where an employer-employee relationship exists or existed between the bailor and the bailee.

(Source: P.A. 97-576, eff. 7-1-12; 97-708, eff. 7-1-12.)

(225 ILCS 422/110)

(Section scheduled to be repealed on January 1, 2027)

Sec. 110. Repossession of vehicles.

(a) With regard to collateral subject to a security agreement, repossession occurs when the licensed repossession agency employee gains entry into the collateral, the collateral becomes connected to a tow

vehicle, or the licensed repossession agency employee has physical control, custody, or possession of the collateral.

(b) The licensed repossession agency shall confirm with the legal owner of a recovered vehicle whether the legal owner holds a security interest in the personal effects or other property contained in or on the recovered vehicle.

(c) If personal effects or other property not covered by a security agreement are contained in or on a recovered vehicle at the time it is recovered, then the personal effects and other property not covered by a security agreement must be completely and accurately inventoried, and a record of the inventory shall be maintained on file with the licensed repossession agency for a period of 2 years following the date of repossession. The licensed repossession agency shall hold all personal effects and other property not covered by a security agreement until the licensed repossession agency either returns the personal effects and other property to the debtor or disposes of the personal effects and other property in accordance with this Section.

(d) Within 5 working days following the date of repossession, the licensed repossession agency shall give written notification to the debtor of the whereabouts of personal effects or other property inventoried. At least 45 days prior to disposing of such personal effects or other property, the licensed repossession agency shall, by United States Postal Service certified mail, notify the debtor of the intent to dispose of the property. Should the debtor, or his or her lawful designee, appear to retrieve the personal property prior to the date on which the licensed repossession agency is allowed to dispose of the property, the licensed repossession agency shall surrender the personal property to that individual upon payment of any reasonably incurred expenses for inventory and storage.

(e) If personal property is not claimed within 45 days of the notice of intent to dispose, then the licensed repossession agency may dispose of the personal property at its discretion, except that illegal items or contraband shall be surrendered to a law enforcement agency, and the licensed repossession agency shall retain a receipt or other proof of surrender as part of the inventory, ~~and~~ disposal records, and recordkeeping it maintains. The inventory of the personal property and the records regarding any disposal of personal property shall be maintained for a period of 2 years in the permanent records of the licensed repossession agency and shall be made available upon request to the Commission.

(f) If a licensed repossession agency has cause to believe that a vehicle that serves as collateral collects or stores personal information, as defined under Section 10, then, as soon as practicable upon repossession of the vehicle and prior to the release of the vehicle from the possession of the licensed repossession agency, the licensed repossession agency shall clear, erase, delete, or otherwise eliminate the personal information collected or stored in or by the vehicle by utilizing a standardized electronic solution that has been approved by the American Recovery Association.

(Source: P.A. 97-576, eff. 7-1-12.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 800** having been transcribed and typed and all amendments adopted thereto having been printed, 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Belt	Gillespie	Martwick	Stoller
Bennett	Glowiak Hilton	McClure	Syverson
Bryant	Harris, N.	McConchie	Tracy

Castro	Harriss, E.	Morrison	Turner, D.
Cervantes	Hastings	Murphy	Turner, S.
Chesney	Holmes	Peters	Ventura
Cunningham	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Feigenholtz	Lewis	Simmons	
Fine	Lightford	Sims	

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 and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 1555** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Environment and Conservation.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1555

AMENDMENT NO. 2 . Amend Senate Bill 1555 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Statewide Recycling Needs Assessment Act.

Section 5. Findings and purpose. The General Assembly finds that:

(1) Recycling rates have been stagnant in Illinois for over 15 years. Many Illinois counties continue to fall short of the long-standing recycling goal of 25% established in 1988 in the Solid Waste Planning and Recycling Act.

(2) In Illinois, more than 40% (over 7,000,000 tons per year) of municipal solid waste disposed of in landfills is comprised of packaging and paper products. Of this amount, nearly 80% consists of materials commonly collected in curbside recycling programs in areas of the State with mature recycling programs. The remainder includes packaging products such as polystyrene, #3-#7 plastics, plastic bags, flexible pouches, and other plastic films which are not currently acceptable in curbside recycling and for which limited drop-off recycling options exist.

(3) Consumers have limited sustainable purchasing choices. Illinois residents are generating packaging and paper waste that is beyond their ability to reuse or recycle. Consumers are also given confusing, inconsistent messages through various means about which materials can be recycled, and thus inadvertently create contamination in recycling streams. There is widespread recycling fatigue and public skepticism about the efficacy of recycling in Illinois.

(4) Volatility in global recycling markets due to import restrictions such as the China National Sword policy, as well as impacts on supply chains and material demand due to the COVID-19 pandemic, have further challenged markets for recycled materials and destabilized the recycling system in the State.

(5) Significant and increasing quantities of plastics and packaging materials are seen in the environment, including in Illinois rivers, lakes, and streams. This pollution impacts the drinking water, wildlife, and recreational value of vital natural resources.

(6) Consumer brands are solely responsible for choices about the types and amounts of packaging used to package products. Units of local government and residents must, therefore, manage increasingly complex materials even though they have no input in designing or bringing these materials to market.

(7) Units of local government are expected to fund collection and processing costs for an increasing volume of packaging and paper products, and the cost of recycling programs continues to rise with the complexity of the material stream that material recycling facilities are required to manage. Furthermore, many multifamily residences and rural areas of the State do not have access to adequate recycling opportunities.

(8) As materials continue to be landfilled and littered, lower-income and rural communities across the State bear environmental, health, and economic consequences.

(9) By failing to reuse or recycle packaging and paper products, Illinois loses economic value and green sector jobs. Establishing postconsumer recycled content requirements for rigid plastics will increase markets for this increasingly common packaging material, reduce demand for natural resources, and reduce greenhouse gas emissions.

(10) An assessment of current recycling and materials management practices in the State, including evaluation of collections, access to service, capacity, costs, gaps, and needs associated with diverting packaging and paper products from disposal, will provide needed information on current conditions and support identification of future needs to manage packaging and paper products in a sustainable, environmentally protective, and cost-effective manner.

(11) The Statewide Recycling Needs Assessment will provide data to facilitate future consideration of product stewardship legislation for packaging and paper products, including to establish performance targets, calculate cost impacts, and assign responsibilities.

Section 10. Definitions. In this Act:

"Advisory Council" means the Statewide Recycling Needs Assessment Advisory Council established under Section 20.

"Agency" means the Environmental Protection Agency.

"Compost" has the meaning given to that term in Section 3.150 of the Environmental Protection Act.

"Compostable material" means a material that is designed to contact, contain, or carry a product that can be collected for composting and that is capable of undergoing aerobic biological decomposition in a controlled composting system as demonstrated by meeting ASTM D6400, ASTM D6868, or any successor standards.

"Composting rate" means the percentage of discarded materials that are managed through composting. A composting rate is calculated by dividing the total weight of all packaging and paper products that are collected for composting by the total weight of all packaging and paper products sold, distributed, or served to consumers in the State during the study period.

"Covered entity" means a person or entity responsible for:

(1) a single or multifamily residence, either individually or jointly through a unit of local government;

(2) a public or private school for grades kindergarten through 12th grade;

(3) a State or local government facility; or

(4) a public space, including, but not limited to, public spaces, such as parks, trails, transit stations, and pedestrian areas for which the State or a unit of local government is responsible.

"Curbside recycling" means the collection of recyclable materials from covered entities at the site where the recyclable materials are generated.

"Director" means the Director of the Agency.

"Drop-off recycling" means the collection of recyclable material from covered entities at one or more centralized sites.

"Environmental justice community" means environmental justice community as defined by the Illinois Solar for All Program, as that definition is updated from time to time by the Illinois Power Agency and the Administrator of the Illinois Solar for All Program.

"Hauler" means a person who collects recyclable or compostable materials and transports them to an MRF or compost facility, or to an intermediate facility from which materials are then transported to an MRF or compost facility.

"Material recovery facility" or "MRF" means a facility where recyclable materials collected via curbside recycling or drop-off recycling are consolidated and sorted for return to the economic mainstream in the form of raw materials.

"Packaging" means a discrete material or category of material, regardless of recyclability. "Packaging" includes, but is not limited to, a material type, such as paper, plastic, glass, metal, or multi-material, that is:

(1) used to protect, contain, transport, or serve a product;

(2) sold or supplied to consumers expressly for the purpose of protecting, containing, transporting, or serving products;

(3) attached to a product or its container for the purpose of marketing or communicating information about the product;

(4) supplied at the point of sale to facilitate the delivery of the product; or

(5) supplied to or purchased by consumers expressly for the purpose of facilitating food or beverage consumption and ordinarily disposed of after a single use or short-term use, whether or not it could be reused.

"Packaging" does not include:

(1) a medical device or packaging that is included with products regulated:

(A) as a drug, medical device, or dietary supplement by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act;

(B) as a combination product as defined under 21 CFR 3.2(e); or

(C) under the federal Dietary Supplement Health and Education Act of 1994;

(2) animal biologics, including, but not limited to, vaccines, bacterins, antisera, diagnostic kits, other products of biological origin, and other packaging and paper products regulated by the United States Department of Agriculture under the federal Virus, Serum, Toxin Act;

(3) packaging regulated under the Federal Insecticide, Fungicide, and Rodenticide Act or another applicable federal law, rule, or regulation; and

(4) beverage containers subject to a returnable container deposit, if applicable.

"Paper product" means:

(1) paper that can or has been printed on to create flyers, brochures, booklets, catalogs, greeting cards, telephone directories, newspapers, magazines; and

(2) paper used for copying, writing, or any other general use.

"Paper product" does not include:

(1) paper that, by virtue of its anticipated use, could become unsafe or unsanitary to recycle; or

(2) any form of bound book, including, but not limited to, bound books for literary, textual, or reference purposes.

"Person" means any individual, partnership, copartnership, firm, company, limited liability company, corporation, association, joint-stock company, trust, estate, political subdivision, State agency, any other legal entity, or their legal representative, agent, or assign.

"Postconsumer material" means packaging or paper products that have served their intended end use as consumer items. "Postconsumer material" does not include a by-product or waste material generated during or after the completion of a manufacturing or converting process.

"Postconsumer recycled content" means the portion of an item of packaging or paper product made from postconsumer material that has been recycled.

"Recovery rate" means the percentage of packaging and paper products recovered for recycling, reclamation, reuse, or composting. The recovery rate is calculated by dividing the total weight of all packaging and paper products collected for recycling, reclamation, reuse, or composting by the total weight of all packaging and paper products sold, distributed, or served to consumers in this State during the study period.

"Recycling" has the meaning given to "recycling, reclamation or reuse" in Section 3.380 of the Environmental Protection Act. "Recycling" does not include landfill disposal of packaging or paper products or the residue resulting from the processing of packaging or paper products at an MRF, use as alternative daily cover or any other beneficial use at a landfill, incineration, energy recovery, or energy generation by means of combustion, or final conversion of packaging and paper products or their components and by-products to a fuel.

"Recycling rate" means the percentage of packaging and paper products returned to the economic mainstream in the form of raw materials or products rather than being disposed of or discarded. The recycling rate is calculated by dividing the total weight of all packaging and paper products that are collected for recycling by the total weight of all packaging and paper products sold, distributed, or served to

consumers in the State during the study period, not including the residue that is landfilled after processing by an MRF.

"Restaurant" means a business having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.

"Retailer" means any person engaged in the business of making sales at retail that generate occupation or use tax revenue, including, but not limited to, sales made through an Internet transaction to deliver an item to a consumer in the State. "Retailer" includes a restaurant.

"Reusable" means:

(1) designed to be refilled or used repeatedly for its original intended purpose and is returnable;

(2) safe for washing and sanitizing according to applicable State food safety laws; and

(3) with the exception of ceramic products, capable of being recycled at the end of use.

"Reuse" means the return of packaging to the economic stream for use in the same kind of application intended for the original packaging without effectuating a change in the original composition of the package, the identity of the product, or the components thereof.

"Reuse" means the return of packaging to the economic stream for use in the same kind of application intended for the original packaging without effectuating a change in the original composition of the package, the identity of the product, or the components thereof.

"Rigid plastic" means packaging made of plastic that has a relatively inflexible finite shape or form and is capable of maintaining its shape while empty or while holding other products.

"Service provider" means a hauler, an MRF, or a composting facility.

"Single-use packaging or product" means a packaging or product that is supplied to or purchased by consumers expressly for the purpose of facilitating food or beverage consumption and that is ordinarily disposed of after a single use or short-term use, whether or not it could be reused.

"Study period" means the period represented by the data compiled and analyzed in the completion of the Statewide Recycling Needs Assessment. The study period shall be a minimum of a one-year calendar period not earlier than 2022 and shall be clearly defined in the scope of work. If more than one year of data is used, data shall be presented on an annual basis.

Section 15. Statewide Recycling Needs Assessment Advisory Council.

(a) The Statewide Recycling Needs Assessment Advisory Council shall be appointed by the Agency. On or before January 1, 2024, the Director shall appoint members to the Advisory Council to provide advice and recommendations to the Agency in the drafting, amendment, and finalization of the Statewide Recycling Needs Assessment.

(b) In appointing members to the Advisory Council under subsection (a), the Director shall consider representatives from all geographic regions of the State, all sizes of communities in the State, all supply chain participants in the recycling system, and the racial and gender diversity of this State.

(c) Members of the Advisory Council shall include, but shall not be limited to, the following voting members:

(1) four individuals representing material recovery facilities in the State, no more than 2 of whom shall represent an MRF that accepts recyclables from Cook County or the collar counties;

(2) four individuals representing haulers, one of whom shall represent a statewide organization representing haulers, one of whom shall represent a publicly traded hauler, one of whom shall represent a privately owned hauler, and one of whom shall operate a recycling drop-off facility;

(3) one individual representing compost collection and processing facilities;

(4) seven individuals representing rural and urban units of local government, one of whom shall represent a county with a population of less than 50,000, one of whom shall represent a county with a population of more than 50,000 and less than 1,000,000, one of whom shall represent a county with a population of more than 1,000,000, one of whom shall represent a municipality, one of whom shall represent a municipal joint action agency, one of whom shall represent a township, and one of whom shall represent a municipality with a population of 1,000,000 or more;

(5) two individuals representing retailers, one of whom shall represent a statewide association of retailers;

(6) two individuals representing environmental organizations;

(7) one individual representing an environmental justice advocacy organization;

(8) one individual representing a statewide manufacturing association;

(9) one individual representing manufacturers of products containing postconsumer material, or one or more associations of such manufacturers;

(10) one individual representing manufacturers of packaging and paper products utilizing virgin materials, or one or more associations of suppliers of substrates of packaging and paper products; and

(11) four individuals representing producers of consumer products.

(d) An individual may be appointed to only one position on the Council. Appointments shall be for the period required to complete the needs assessment components of this Act.

(e) The duties of the Advisory Council are as follows:

(1) to provide guidance on the scope of work for the Statewide Recycling Needs Assessment required under Section 25;

(2) to assist in the provision of data required to complete the needs assessment;

(3) to review and comment on the needs assessment prior to completion;

(4) to evaluate and make recommendations, including legislative recommendations, on how to effectively establish and implement a producer responsibility program in the State for packaging materials and paper products, including recommendations regarding the responsibilities of producers under a producer responsibility program; and

(5) on or before December 1, 2026, to prepare and submit a report of its findings and recommendations to the General Assembly and the Governor, which shall include an opportunity for a minority report.

(f) The Advisory Council:

(1) shall meet at the call of the Chair, except for the first meeting, which shall be called by the Director;

(2) shall meet at least quarterly or as determined by the Advisory Council Chair;

(3) shall elect a Chair from among Advisory Council members by a simple majority vote;

(4) may adopt bylaws and a charter for the operation of its business for the purposes of this Act; and

(5) shall be provided administrative support by the Agency and Agency staff.

(g) The Agency may select and hire a third-party facilitator for the Advisory Council.

Section 20. Statewide needs assessment.

(a) The Agency shall issue a competitive solicitation in accordance with the Illinois Procurement Code to select a qualified consultant to conduct a statewide needs assessment to assess recycling needs in the State for packaging and paper products, including identifying current conditions and an evaluation of the capacity, costs, gaps, and needs associated with recycling and the diversion of packaging and paper products. The Agency shall select the consultant on or before July 1, 2024. The needs assessment shall be funded by an appropriation from the Agency's Solid Waste Management Fund or other appropriated funding.

(b) Packaging and paper products to be included in the needs assessment shall include, but may not be limited to, the following materials: gable-top cartons, paper cups, paper food packaging, mailers and envelopes, Kraft paper, corrugated cardboard, chipboard, coated groundwood, groundwood paper, coated paper board, paperboard boxes, pulpwood trays and take-out containers, polyethylene flexible bags, polyethylene wraps, polyethylene films, rigid plastics, glass bottles and jars, aluminum or steel aerosol cans, aluminum or steel cans, aluminum foil wrap, aluminum foil containers, other aluminum containers, and steel spiral wound containers.

(c) The needs assessment shall address, at a minimum, the following factors for covered entities:

(1) the quantity, by weight and type, of packaging materials and paper products sold at retail, distributed, or served to consumers in the State by material type and format;

(2) current collection systems for packaging and paper products in the State, including for reuse, recycling, composting, and disposal;

(3) the processing capacity and infrastructure for reusable, recyclable, and compostable packaging and paper products collected in the State, including capacity and infrastructure outside the State which serves or may serve the State;

(4) current reuse, recycling, and composting rates for packaging and paper products in the State by material type;

(5) current postconsumer recycled content use by material type for all packaging and paper products sold in the State;

(6) current system-wide costs for the collection, reuse, recycling, and composting of packaging and paper products;

(7) current operational and capital funding limitations impacting reuse, recycling, and composting access and availability for packaging and paper products throughout the State;

(8) collection and processing system needs to provide access to curbside recycling services for all covered entities within municipalities with a population of 1,500 or more based on the most recent United States Census, with collection provided no less frequently than every 2 weeks, and at least one drop-off location for recyclable materials within 15 miles of the municipal boundary for municipalities with a population less than 1,500, with needs identified on a county-by-county basis for all counties in the State, and the estimated costs to meet the access requirements;

(9) program costs and capital investments required to achieve a collective 50% recycling rate by December 31, 2035 across all packaging and paper products, including investment into existing and future reuse, recycling, and composting infrastructure for packaging and paper products;

(10) existing federal and State statutory provisions and public and private funding sources for the reduction, reuse, recycling, and composting of packaging and paper products;

(11) the market conditions and opportunities for reusable, recyclable, and compostable packaging and paper products in the State and regionally;

(12) multilingual public education needs for the reduction, reuse, recycling, and composting of packaging and paper products, including, but not limited to, a scientific survey of current awareness among residents of this State of proper end-of-life management for packaging and paper products and the needs associated with the reduction of contamination rates at MRFs in the State; and

(13) an assessment of environmental justice and recycling equity in the State, including, but not limited to:

(A) an evaluation of current access to and the performance of curbside and drop-off recycling programs in units of local government designated as environmental justice areas; and

(B) a comparison of the location of MRFs and compost facilities in units of local government that have been designated as environmental justice areas with units of local government that are not so designated.

(d) Persons with data or information required to complete the statewide needs assessment shall provide the Agency with such data or information in a timely fashion to assist in completing the statewide needs assessment.

(e) On or before December 31, 2025, the Agency shall provide the draft needs assessment to the Advisory Council. The Advisory Council shall provide written comments to the Agency within 60 days after receipt of the needs assessment. The Agency's consultant shall include an assessment of comments received in the revised draft needs assessment submitted to the Agency and shall provide a summary and an analysis of any issues raised by the Advisory Council and significant changes suggested by any such comments, a statement of the reasons why any significant changes were not incorporated into the results of the study, and a description of any changes made to the results of the needs assessment as a result of such comments. The needs assessment shall be finalized by the Agency on or before May 1, 2026.

Section 25. Severability. The provisions of this Act shall be severable and if any phrase, clause, sentence, or provision of this Act or the applicability thereof to any person or circumstance shall be held invalid, the remainder of this Act and the application thereof shall not be affected thereby.

Section 30. The Environmental Protection Act is amended by changing Section 22.15 as follows:

(415 ILCS 5/22.15)

Sec. 22.15. Solid Waste Management Fund; fees.

(a) There is hereby created within the State Treasury a special fund to be known as the Solid Waste Management Fund, to be constituted from the fees collected by the State pursuant to this Section, from repayments of loans made from the Fund for solid waste projects, from registration fees collected pursuant to the Consumer Electronics Recycling Act, and from amounts transferred into the Fund pursuant to Public Act 100-433. Moneys received by either the Agency or the Department of Commerce and Economic Opportunity in repayment of loans made pursuant to the Illinois Solid Waste Management Act shall be deposited into the General Revenue Fund.

(b) The Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid

waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection. Beginning on July 1, 2018, and on the first day of each month thereafter during fiscal years 2019 through 2023, the State Comptroller shall direct and State Treasurer shall transfer an amount equal to 1/12 of $5,000,000 per fiscal year from the Solid Waste Management Fund to the General Revenue Fund.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 95 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of $2.00 per ton of solid waste permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed $1.55 per cubic yard or $3.27 per ton.

(2) If more than 100,000 cubic yards but not more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $52,630.

(3) If more than 50,000 cubic yards but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $23,790.

(4) If more than 10,000 cubic yards but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $7,260.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1050.

(c) (Blank).

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

(1) necessary records identifying the quantities of solid waste received or disposed;

(2) the form and submission of reports to accompany the payment of fees to the Agency;

(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and

(4) procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration, and for the administration of the Consumer Electronics Recycling Act, ~~and the~~ Drug Take-Back Act, and the Statewide Recycling Needs Assessment.

(f) The Agency is authorized to enter into such agreements and to promulgate such rules as are necessary to carry out its duties under this Section and the Illinois Solid Waste Management Act.

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer $500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial assistance to units of local government for the performance of inspecting, investigating, and enforcement activities pursuant to subsection (r) of Section 4 ~~Section 4(r)~~ at nonhazardous solid waste disposal sites.

(i) The Agency is authorized to conduct household waste collection and disposal programs.

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other environment-related purpose, including, but not limited to, an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge

imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

(1) 60¢ per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed $1.27 per ton of solid waste permanently disposed of.

(2) $33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(3) $15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(4) $4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) $650 if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

The corporate authorities of the unit of local government may use proceeds from the fee, tax, or surcharge to reimburse a highway commissioner whose road district lies wholly or partially within the corporate limits of the unit of local government for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

For the disposal of solid waste from general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160, the total fee, tax, or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed 50% of the applicable amount set forth above. A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a general construction or demolition debris recovery facility is located may establish a fee, tax, or surcharge on the general construction or demolition debris recovery facility with regard to the permanent disposal of solid waste by the general construction or demolition debris recovery facility at a solid waste disposal facility, provided that such fee, tax, or surcharge shall not exceed 50% of the applicable amount set forth above, based on the total amount of solid waste transported from the general construction or demolition debris recovery facility for disposal at solid waste disposal facilities, and the unit of local government and fee shall be subject to all other requirements of this subsection (j).

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees. At least annually, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund may be accumulated over a period of years to be expended in accordance with this subsection.

A unit of local government, as defined in the Local Solid Waste Disposal Act, shall prepare and post on its website, in April of each year, a report that details spending plans for monies collected in accordance with this subsection. The report will at a minimum include the following:

(1) The total monies collected pursuant to this subsection.

(2) The most current balance of monies collected pursuant to this subsection.

(3) An itemized accounting of all monies expended for the previous year pursuant to this subsection.

(4) An estimation of monies to be collected for the following 3 years pursuant to this subsection.

(5) A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

The exemptions granted under Sections 22.16 and 22.16a, and under subsection (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

(k) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, beginning January 1, 1989 the fee under subsection (b) and the fee, tax or surcharge under subsection (j) shall not apply to:

(1) waste which is hazardous waste;

(2) waste which is pollution control waste;

(3) waste from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; the exemption set forth in this paragraph (3) of this subsection (k) shall not apply to general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160;

(4) non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or

(5) any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20; 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff. 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1055, eff. 6-10-22; revised 8-25-22.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 3 was held in the Committee on Assignments.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 1555** having been transcribed and typed and all amendments adopted thereto having been printed, 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 37; NAYS 16; Present 1.

The following voted in the affirmative:

Belt	Glowiak Hilton	Martwick	Stadelman
Castro	Harris, N.	McConchie	Turner, D.
Cervantes	Hastings	Morrison	Ventura
Cunningham	Holmes	Murphy	Villa
Edly-Allen	Hunter	Peters	Villanueva
Ellman	Johnson	Porfirio	Villivalam
Faraci	Jones, E.	Preston	Mr. President
Feigenholtz	Koehler	Rezin	
Fine	Lightford	Simmons	
Gillespie	Loughran Cappel	Sims	

The following voted in the negative:

Anderson	Fowler	Rose	Wilcox
Bennett	Harriss, E.	Stoller	
Bryant	Lewis	Syverson	
Chesney	McClure	Tracy	
Curran	Plummer	Turner, S.	

The following voted present:

Joyce

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 and ask their concurrence therein.

At the hour of 10:00 o'clock a.m., Senator Koehler, presiding.

SENATE BILL RECALLED

On motion of Senator Cunningham, **Senate Bill No. 423** was recalled from the order of third reading to the order of second reading.

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 423

AMENDMENT NO. 1 . Amend Senate Bill 423 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Sections 3-3-7, 3-3-8, 3-14-2, and 5-6-3 as follows:

(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

Sec. 3-3-7. Conditions of parole or mandatory supervised release.

(a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:

(1) not violate any criminal statute of any jurisdiction during the parole or release term;

(2) refrain from possessing a firearm or other dangerous weapon;

(3) report to an agent of the Department of Corrections;

(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody and immediately report service or notification of an order of protection, a civil no contact order, or a stalking no contact order to an agent of the Department of Corrections;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

(7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after January 1, 2007 (the effective date of Public Act 94-988), wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term and if convicted for an offense of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or ritualized abuse of a child committed on or after August 11, 2009 (the effective date of Public Act 96-236) when the victim was under 18 years of age at the time of the commission of the offense and the defendant used force or the threat of force in the commission of the offense wear an approved electronic monitoring device as defined in Section 5-8A-2 that has Global Positioning System (GPS) capability for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term;

(7.8) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.8), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(7.9) if convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, consent to search of computers, PDAs, cellular phones, and other devices under his or her control that are capable of accessing the Internet or storing electronic files, in order to confirm Internet protocol addresses reported in accordance with the Sex Offender Registration Act and compliance with conditions in this Act;

(7.10) if convicted for an offense that would qualify the accused as a sex offender or sexual predator under the Sex Offender Registration Act on or after June 1, 2008 (the effective date of Public Act 95-640), not possess prescription drugs for erectile dysfunction;

(7.11) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's supervising agent, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the Board, the Department or the offender's supervising agent;

(7.12) if convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262), refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;

(7.13) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses;

(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections if there is reasonable suspicion of illicit drug use and the source of the reasonable suspicion is documented in the Department's case management system;

(12) not knowingly frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) except when the association described in either subparagraph (A) or (B) of this paragraph (13) involves activities related to community programs, worship services, volunteering, engaging families, or some other pro-social activity in which there is no evidence of criminal intent:

(A) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent; or

(B) not knowingly associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections;

(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate;

(16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;

(17) if convicted of a violation of an order of protection under Section 12-3.4 or Section 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code;

(18) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986; an order of protection issued by the court of another state, tribe, or United States territory; a no contact order issued pursuant to the Civil No Contact Order Act; or a no contact order issued pursuant to the Stalking No Contact Order Act;

(19) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense, be:

(A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and

(B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate;

(20) if convicted of a hate crime under Section 12-7.1 of the Criminal Code of 2012, perform public or community service of no less than 200 hours and enroll in an educational program discouraging hate crimes involving the protected class identified in subsection (a) of Section 12-7.1 of

the Criminal Code of 2012 that gave rise to the offense the offender committed ordered by the court; and

(21) be evaluated by the Department of Corrections prior to release using a validated risk assessment and be subject to a corresponding level of supervision. In accordance with the findings of that evaluation:

(A) All subjects found to be at a moderate or high risk to recidivate, or on parole or mandatory supervised release for first degree murder, a forcible felony as defined in Section 2-8 of the Criminal Code of 2012, any felony that requires registration as a sex offender under the Sex Offender Registration Act, or a Class X felony or Class 1 felony that is not a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, shall be subject to high level supervision. The Department shall define high level supervision based upon evidence-based and research-based practices. Notwithstanding this placement on high level supervision, placement of the subject on electronic monitoring or detention shall not occur unless it is required by law or expressly ordered or approved by the Prisoner Review Board.

(B) All subjects found to be at a low risk to recidivate shall be subject to low-level supervision, except for those subjects on parole or mandatory supervised release for first degree murder, a forcible felony as defined in Section 2-8 of the Criminal Code of 2012, any felony that requires registration as a sex offender under the Sex Offender Registration Act, or a Class X felony or Class 1 felony that is not a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act. Low level supervision shall require the subject to check in with the supervising officer via phone or other electronic means. Notwithstanding this placement on low level supervision, placement of the subject on electronic monitoring or detention shall not occur unless it is required by law or expressly ordered or approved by the Prisoner Review Board.

(b) The Board may after making an individualized assessment pursuant to subsection (a) of Section 3-14-2 in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;

(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;

(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;

(4) support his or her dependents;

(5) (blank);

(6) (blank);

(7) (blank);

(7.5) if convicted for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.5), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(7.6) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the Department;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's supervising agent, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the Board, the Department or the offender's supervising agent; and

(8) (blank). ~~in addition, if a minor:~~

~~(i) reside with his or her parents or in a foster home;~~

~~(ii) attend school;~~

~~(iii) attend a non-residential program for youth; or~~

~~(iv) contribute to his or her own support at home or in a foster home.~~

(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release following an individualized assessment pursuant to subsection (a) of Section 3-14-2:

(1) reside only at a Department approved location;

(2) comply with all requirements of the Sex Offender Registration Act;

(3) notify third parties of the risks that may be occasioned by his or her criminal record;

(4) obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;

(5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;

(6) be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;

(7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;

(8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;

(9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections;

(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;

(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims;

(16) take an annual polygraph exam;

(17) maintain a log of his or her travel; or

(18) obtain prior approval of his or her parole officer before driving alone in a motor vehicle.

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his or her release, and he or she shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been

issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his or her supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(f) (Blank).

(Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)

(730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

Sec. 3-3-8. Length of parole and mandatory supervised release; discharge.

(a) The length of parole for a person sentenced under the law in effect prior to the effective date of this amendatory Act of 1977 and the length of mandatory supervised release for those sentenced under the law in effect on and after such effective date shall be as set out in Section 5-8-1 unless sooner terminated under paragraph (b) of this Section.

(b) The Prisoner Review Board may enter an order releasing and discharging one from parole or mandatory supervised release, and his or her commitment to the Department, when it determines that he or she is likely to remain at liberty without committing another offense.

(b-1) Provided that the subject is in compliance with the terms and conditions of his or her parole or mandatory supervised release, the Prisoner Review Board shall ~~may~~ reduce the period of a parolee or releasee's parole or mandatory supervised release by 90 days upon the parolee or releasee receiving a high school diploma, associate's degree, bachelor's degree, career certificate, or vocational technical certification or upon passage of high school equivalency testing during the period of his or her parole or mandatory supervised release. A parolee or releasee shall provide documentation from the educational institution or the source of the qualifying educational or vocational credential to their supervising officer for verification. Each ~~This~~ reduction in the period of a subject's term of parole or mandatory supervised release shall be available only to subjects who have not previously earned the relevant credential for which they are receiving the reduction ~~a high school diploma or who have not previously passed high school equivalency testing~~. As used in this Section, "career certificate" means a certificate awarded by an institution for satisfactory completion of a prescribed curriculum that is intended to prepare an individual for employment in a specific field.

(b-2) The Prisoner Review Board may release a low-risk and need subject person from mandatory supervised release as determined by an appropriate evidence-based risk and need assessment.

(c) The order of discharge shall become effective upon entry of the order of the Board. The Board shall notify the clerk of the committing court of the order. Upon receipt of such copy, the clerk shall make an entry on the record judgment that the sentence or commitment has been satisfied pursuant to the order.

(d) Rights of the person discharged under this Section shall be restored under Section 5-5-5.

(e) Upon a denial of early discharge under this Section, the Prisoner Review Board shall provide the person on parole or mandatory supervised release a list of steps or requirements that the person must complete or meet to be granted an early discharge at a subsequent review and share the process for seeking a subsequent early discharge review under this subsection. Upon the completion of such steps or requirements, the person on parole or mandatory supervised release may petition the Prisoner Review Board to grant them an early discharge review. Within no more than 30 days of a petition under this subsection, the Prisoner Review Board shall review the petition and make a determination.

(Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 100-3, eff. 1-1-18.)

(730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

Sec. 3-14-2. Supervision on Parole, Mandatory Supervised Release and Release by Statute.

(a) The Department shall retain custody of all persons placed on parole or mandatory supervised release or released pursuant to Section 3-3-10 of this Code and shall supervise such persons during their parole or release period in accord with the conditions set by the Prisoner Review Board. When setting conditions, the Prisoner Review Board shall make an individualized assessment as to what conditions are appropriate based on the risk and needs assessment, program participation and completion, assignment history while incarcerated, and behavior history during the period of the incarceration and involve only such deprivations of liberty or property as are reasonably necessary to protect the public from the person's conduct in the underlying conviction or violation. In determining conditions, the Prisoner Review Board shall also consider the reasonableness of imposing additional conditions on the person and the extent to

which the conditions impact the person's work, education, community service, financial, and family caregiving obligations. Such conditions shall include referral to an alcohol or drug abuse treatment program, as appropriate, if such person has previously been identified as having an alcohol or drug abuse problem. Such conditions may include that the person use an approved electronic monitoring device subject to Article 8A of Chapter V.

(b) The Department shall assign personnel to assist persons eligible for parole in preparing a parole plan. Such Department personnel shall make a report of their efforts and findings to the Prisoner Review Board prior to its consideration of the case of such eligible person.

(c) A copy of the conditions of his parole or release shall be signed by the parolee or releasee and given to him and to his supervising officer who shall report on his progress under the rules and regulations of the Prisoner Review Board. The supervising officer shall report violations to the Prisoner Review Board and shall have the full power of peace officers in the arrest and retaking of any parolees or releasees or the officer may request the Department to issue a warrant for the arrest of any parolee or releasee who has allegedly violated his parole or release conditions.

(c-1) The supervising officer shall request the Department to issue a parole violation warrant, and the Department shall issue a parole violation warrant, under the following circumstances:

(1) if the parolee or releasee commits an act that constitutes a felony using a firearm or knife,

(2) if applicable, fails to comply with the requirements of the Sex Offender Registration Act,

(3) if the parolee or releasee is charged with:

(A) a felony offense of domestic battery under Section 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012,

(B) aggravated domestic battery under Section 12-3.3 of the Criminal Code of 1961 or the Criminal Code of 2012,

(C) stalking under Section 12-7.3 of the Criminal Code of 1961 or the Criminal Code of 2012,

(D) aggravated stalking under Section 12-7.4 of the Criminal Code of 1961 or the Criminal Code of 2012,

(E) violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, or

(F) any offense that would require registration as a sex offender under the Sex Offender Registration Act, or

(4) if the parolee or releasee is on parole or mandatory supervised release for a murder, a Class X felony or a Class 1 felony violation of the Criminal Code of 1961 or the Criminal Code of 2012, or any felony that requires registration as a sex offender under the Sex Offender Registration Act and commits an act that constitutes first degree murder, a Class X felony, a Class 1 felony, a Class 2 felony, or a Class 3 felony.

A sheriff or other peace officer may detain an alleged parole or release violator until a warrant for his return to the Department can be issued. The parolee or releasee may be delivered to any secure place until he can be transported to the Department. The officer or the Department shall file a violation report with notice of charges with the Prisoner Review Board.

(d) The supervising officer shall regularly advise and consult with the parolee or releasee, assist him in adjusting to community life, inform him of the restoration of his rights on successful completion of sentence under Section 5-5-5, and provide the parolee or releasee with an electronic copy of the Department of Corrections system of graduated responses as set forth under subparagraph (D) of paragraph (1) of subsection (b) of Section 10 of the Illinois Crime Reduction Act of 2009 and any sanctions matrix based on that system. If the parolee or releasee has been convicted of a sex offense as defined in the Sex Offender Management Board Act, the supervising officer shall periodically, but not less than once a month, verify that the parolee or releasee is in compliance with paragraph (7.6) of subsection (a) of Section 3-3-7.

(d-1) At least once every 3 months, the supervising officer of a parolee or releasee shall review the case of the parolee or releasee to assess the parolee's or releasee's progress and suitability for early discharge under subsection (b) of Section 3-3-8 and provide a recommendation for either early discharge or the continuation of parole or mandatory supervised release as previously ordered. The recommendation and the rationale for the recommendation shall be noted in the Department's case management system. Within 15 days of receiving the supervising officer's recommendation, the Department shall provide a copy of the final recommendation, in writing or electronically, to the Prisoner Review Board and to the parolee or releasee. If an early discharge recommendation was not provided, the supervising officer shall share the list of steps or

requirements that the person must complete or meet to be granted an early discharge recommendation at a subsequent review under agency guidelines. The Department shall develop guidelines and policies to support the regular review of parolees and releasees for early discharge consideration and the timely notification of the Prisoner Review Board when early discharge is recommended.

(d-2) Supervising officers shall schedule meetings, which are required under paragraph (3) of subsection (a) of Section 3-3-7 as a condition of parole or mandatory supervised release, at such times and locations that take into consideration the medical needs, caregiving obligations, and work schedule of a parolee or releasee.

(d-3) To comply with the provisions of subsection (d-2), in lieu of requiring the parolee or releasee to appear in person for the required reporting or meetings, supervising officers may utilize technology, including cellular and other electronic communication devices or platforms, that allows for communication between the supervised individual and the supervising officer.

(e) Supervising officers shall receive specialized training in the special needs of female releasees or parolees including the family reunification process.

(f) The supervising officer shall keep such records as the Prisoner Review Board or Department may require. All records shall be entered in the master file of the individual.

(Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10; 97-389, eff. 8-15-11; 97-1150, eff. 1-25-13.)

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

Sec. 5-6-3. Conditions of probation and of conditional discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) report to or appear in person before such person or agency as directed by the court. To comply with the provisions of this paragraph (2), in lieu of requiring the person on probation or conditional discharge to appear in person for the required reporting or meetings, the officer may utilize technology, including cellular and other electronic communication devices or platforms, that allow for communication between the supervised person and the officer in accordance with standards and guidelines established by the Administrative Office of the Illinois Courts;

(3) refrain from possessing a firearm or other dangerous weapon where the offense is a felony or, if a misdemeanor, the offense involved the intentional or knowing infliction of bodily harm or threat of bodily harm;

(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or

vocational training required by this paragraph (7). The court shall revoke the probation or conditional discharge of a person who willfully fails to comply with this paragraph (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This paragraph (7) does not apply to a person who has a high school diploma or has successfully passed high school equivalency testing. This paragraph (7) does not apply to a person who is determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders;

(8.7) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (8.7), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(8.8) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer;

(8.9) if convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-262), refrain from accessing or using a social networking website as defined in Section 17-0.5 of the Criminal Code of 2012;

(9) if convicted of a felony or of any misdemeanor violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012 that was determined, pursuant to Section 112A-11.1 of the Code of Criminal Procedure of 1963, to trigger the prohibitions of 18 U.S.C. 922(g)(9), physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession. The Court shall return to the Illinois State Police Firearm Owner's Identification Card Office the person's Firearm Owner's Identification Card;

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;

(11) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses;

(12) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense:

(A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and

(B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate; and

(13) if convicted of a hate crime involving the protected class identified in subsection (a) of Section 12-7.1 of the Criminal Code of 2012 that gave rise to the offense the offender committed, perform public or community service of no less than 200 hours and enroll in an educational program discouraging hate crimes that includes racial, ethnic, and cultural sensitivity training ordered by the court.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home;

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(8) make restitution as provided in Section 5-5-6 of this Code;

(9) perform some reasonable public or community service;

(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

(i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the probation and court services fund. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program",

as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (17), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(18) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the subject's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer; and

(19) refrain from possessing a firearm or other dangerous weapon where the offense is a misdemeanor that did not involve the intentional or knowing infliction of bodily harm or threat of bodily harm.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of

probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6-month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred, or which has agreed to provide supervision, may impose probation fees upon receiving the transferred offender, as provided in subsection (i). For all transfer cases, as defined in Section 9b of the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. After the transfer, all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is placed in the guardianship or custody of the Department of Children and Family Services under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the

Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

Public Act 93-970 deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under the Criminal and Traffic Assessment Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(l) The court may order an offender who is sentenced to probation or conditional discharge for a violation of an order of protection be placed under electronic surveillance as provided in Section 5-8A-7 of this Code.

(Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

Section 10. The Illinois Crime Reduction Act of 2009 is amended by changing Section 10 as follows:

(730 ILCS 190/10)

Sec. 10. Evidence-based programming.

(a) Purpose. Research and practice have identified new strategies and policies that can result in a significant reduction in recidivism rates and the successful local reintegration of offenders. The purpose of this Section is to ensure that State and local agencies direct their resources to services and programming that have been demonstrated to be effective in reducing recidivism and reintegrating offenders into the locality.

(b) Evidence-based programming in local supervision.

(1) The Parole Division of the Department of Corrections and the Prisoner Review Board shall adopt policies, rules, and regulations that, within the first year of the adoption, validation, and utilization of the statewide, standardized risk assessment tool described in this Act, result in at least 25% of supervised individuals being supervised in accordance with evidence-based practices; within 3 years of the adoption, validation, and utilization of the statewide, standardized risk assessment tool result in at least 50% of supervised individuals being supervised in accordance with evidence-based practices; and within 5 years of the adoption, validation, and utilization of the statewide, standardized risk assessment tool result in at least 75% of supervised individuals being supervised in accordance with evidence-based practices. The policies, rules, and regulations shall:

(A) Provide for a standardized individual case plan that follows the offender through the criminal justice system (including in-prison if the supervised individual is in prison) that is:

(i) Based on the assets of the individual as well as his or her risks and needs identified through the assessment tool as described in this Act.

(ii) Comprised of treatment and supervision services appropriate to achieve the purpose of this Act.

(iii) Consistently updated, based on program participation by the supervised individual and other behavior modification exhibited by the supervised individual.

(B) Concentrate resources and services on high-risk offenders.

(C) Provide for the use of evidence-based programming related to education, job training, cognitive behavioral therapy, and other programming designed to reduce criminal behavior.

(D) Establish a system of graduated responses.

(i) The system shall set forth a menu of presumptive responses for the most common types of supervision violations.

(ii) The system shall be guided by the model list of intermediate sanctions created by the Probation Services Division of the State of Illinois pursuant to subsection (1) of Section 15 of the Probation and Probation Officers Act and the system of intermediate sanctions created by the Chief Judge of each circuit court pursuant to Section 5-6-1 of the Unified Code of Corrections.

(iii) The system of responses shall take into account factors such as the severity of the current violation; the supervised individual's risk level as determined by a validated assessment tool described in this Act; the supervised individual's assets; his or her previous criminal record; and the number and severity of any previous supervision violations.

(iv) The system shall also define positive reinforcements that supervised individuals may receive for compliance with conditions of supervision.

(v) Response to violations should be swift and certain and should be imposed as soon as practicable but no longer than 3 working days of detection of the violation behavior.

(vi) The system of graduated responses shall be published on the Department of Corrections website for public view.

(2) Conditions of local supervision (probation and mandatory supervised release). Conditions of local supervision whether imposed by a sentencing judge or the Prisoner Review Board shall be imposed in accordance with the offender's risks, assets, and needs as identified through the assessment tool described in this Act.

(3) The Department of Corrections and the Prisoner Review Board shall annually publish an exemplar copy of any evidence-based assessments, questionnaires, or other instruments used to set conditions of release.

(c) Evidence-based in-prison programming.

(1) The Department of Corrections shall adopt policies, rules, and regulations that, within the first year of the adoption, validation, and utilization of the statewide, standardized risk assessment tool described in this Act, result in at least 25% of incarcerated individuals receiving services and programming in accordance with evidence-based practices; within 3 years of the adoption, validation, and utilization of the statewide, standardized risk assessment tool result in at least 50% of incarcerated individuals receiving services and programming in accordance with evidence-based practices; and within 5 years of the adoption, validation, and utilization of the statewide, standardized risk assessment tool result in at least 75% of incarcerated individuals receiving services and programming in accordance with evidence-based practices. The policies, rules, and regulations shall:

(A) Provide for the use and development of a case plan based on the risks, assets, and needs identified through the assessment tool as described in this Act. The case plan should be used to determine in-prison programming; should be continuously updated based on program participation by the prisoner and other behavior modification exhibited by the prisoner; and should be used when creating the case plan described in subsection (b).

(B) Provide for the use of evidence-based programming related to education, job training, cognitive behavioral therapy and other evidence-based programming.

(C) Establish education programs based on a teacher to student ratio of no more than 1:30.

(D) Expand the use of drug prisons, modeled after the Sheridan Correctional Center, to provide sufficient drug treatment and other support services to non-violent inmates with a history of substance abuse.

(2) Participation and completion of programming by prisoners can impact earned time credit as determined under Section 3-6-3 of the Unified Code of Corrections.

(3) The Department of Corrections shall provide its employees with intensive and ongoing training and professional development services to support the implementation of evidence-based practices. The training and professional development services shall include assessment techniques, case planning, cognitive behavioral training, risk reduction and intervention strategies, effective

communication skills, substance abuse treatment education and other topics identified by the Department or its employees.

(d) The Parole Division of the Department of Corrections and the Prisoner Review Board shall provide their employees with intensive and ongoing training and professional development services to support the implementation of evidence-based practices. The training and professional development services shall include assessment techniques, case planning, cognitive behavioral training, risk reduction and intervention strategies, effective communication skills, substance abuse treatment education, and other topics identified by the agencies or their employees.

(e) The Department of Corrections, the Prisoner Review Board, and other correctional entities referenced in the policies, rules, and regulations of this Act shall design, implement, and make public a system to evaluate the effectiveness of evidence-based practices in increasing public safety and in successful reintegration of those under supervision into the locality. Annually, each agency shall submit to the Sentencing Policy Advisory Council a comprehensive report on the success of implementing evidence-based practices. The data compiled and analyzed by the Council shall be delivered annually to the Governor and the General Assembly.

(f) The Department of Corrections and the Prisoner Review Board shall release a report annually published on their websites that reports the following information about the usage of electronic monitoring and GPS monitoring as a condition of parole and mandatory supervised release during the prior calendar year:

(1) demographic data of individuals on electronic monitoring and GPS monitoring, separated by the following categories:

(A) race or ethnicity;

(B) gender; and

(C) age;

(2) incarceration data of individuals subject to conditions of electronic or GPS monitoring, separated by the following categories:

(A) highest class of offense for which the individuals are currently serving a term of release; and

(B) length of imprisonment served prior to the current release period;

(3) the number of individuals subject to conditions of electronic or GPS monitoring, separated by the following categories:

(A) the number of individuals subject to monitoring under Section 5-8A-6 of the Unified Code of Corrections;

(B) the number of individuals subject monitoring under Section 5-8A-7 of the Unified Code of Corrections;

(C) the number of individuals subject to monitoring under a discretionary order of the Prisoner Review Board at the time of their release; and

(D) the number of individuals subject to monitoring as a sanction for violations of parole or mandatory supervised release, separated by the following categories:

(i) the number of individuals subject to monitoring as part of a graduated sanctions program; and

(ii) the number of individuals subject to monitoring as a new condition of re-release after a revocation hearing before the Prisoner Review Board;

(4) the number of discretionary monitoring orders issued by the Prisoner Review Board, separated by the following categories:

(A) less than 30 days;

(B) 31 to 60 days;

(C) 61 to 90 days;

(D) 91 to 120 days;

(E) 121 to 150 days;

(F) 151 to 180 days;

(G) 181 to 364 days;

(H) 365 days or more; and

(I) duration of release term;

(5) the number of discretionary monitoring orders by the Board which removed or terminated monitoring prior to the completion of the original period ordered;

(6) the number and severity category for sanctions imposed on individuals on electronic or GPS monitoring, separated by the following categories:

(A) absconding from electronic monitoring or GPS;

(B) tampering or removing the electronic monitoring or GPS device;

(C) unauthorized leaving of the residence;

(D) presence of the individual in a prohibited area; or

(E) other violations of the terms of the electronic monitoring program;

(7) the number of individuals for whom a parole revocation case was filed for failure to comply with the terms of electronic or GPS monitoring, separated by the following categories:

(A) cases when failure to comply with the terms of monitoring was the sole violation alleged; and

(B) cases when failure to comply with the terms of monitoring was alleged in conjunction with other alleged violations;

(8) residential data for individuals subject to electronic or GPS monitoring, separated by the following categories:

(A) the county of the residence address for individuals subject to electronic or GPS monitoring as a condition of their release; and

(B) for counties with a population over 3,000,000, the zip codes of the residence address for individuals subject to electronic or GPS monitoring as a condition of their release;

(9) the number of individuals for whom parole revocation cases were filed due to violations of paragraph (1) of subsection (a) of Section 3-3-7 of the Unified Code of Corrections, separated by the following categories:

(A) the number of individuals whose violation of paragraph (1) of subsection (a) of Section 3-3-7 of the Unified Code of Corrections allegedly occurred while the individual was subject to conditions of electronic or GPS monitoring;

(B) the number of individuals who had violations of paragraph (1) of subsection (a) of Section 3-3-7 of the Unified Code of Corrections alleged against them who were never subject to electronic or GPS monitoring during their current term of release; and

(C) the number of individuals who had violations of paragraph (1) of subsection (a) of Section 3-3-7 of the Unified Code of Corrections alleged against them who were subject to electronic or GPS monitoring for any period of time during their current term of their release, but who were not subject to such monitoring at the time of the alleged violation of paragraph (1) of subsection (a) of Section 3-3-7 of the Unified Code of Corrections.

(Source: P.A. 101-231, eff. 1-1-20; 102-558, eff. 8-20-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Cunningham, **Senate Bill No. 423** having been transcribed and typed and all amendments adopted thereto having been printed, 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 2.

The following voted in the affirmative:

Anderson	Gillespie	Loughran Cappel	Stadelman
Belt	Glowiak Hilton	Martwick	Stoller
Bennett	Harris, N.	McClure	Syverson
Castro	Harriss, E.	McConchie	Tracy
Cervantes	Hastings	Morrison	Turner, D.

Cunningham	Holmes	Murphy	Turner, S.
Curran	Hunter	Peters	Ventura
Edly-Allen	Johnson	Porfirio	Villa
Ellman	Jones, E.	Preston	Villanueva
Faraci	Joyce	Rezin	Villivalam
Feigenholtz	Koehler	Rose	Wilcox
Fine	Lewis	Simmons	Mr. President
Fowler	Lightford	Sims	

The following voted in the negative:

Bryant
Plummer

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 and ask their concurrence therein.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cunningham, **House Bill No. 3162** 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Belt	Gillespie	Martwick	Stoller
Bennett	Glowiak Hilton	McClure	Syverson
Bryant	Harris, N.	McConchie	Tracy
Castro	Harriss, E.	Morrison	Turner, D.
Cervantes	Hastings	Murphy	Turner, S.
Chesney	Holmes	Peters	Ventura
Cunningham	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Feigenholtz	Lewis	Simmons	
Fine	Lightford	Sims	

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 10:16 o'clock a.m., Senator Cunningham, presiding.

On motion of Senator Koehler, **House Bill No. 3498** 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Belt	Gillespie	Martwick	Stoller
Bennett	Glowiak Hilton	McClure	Syverson
Bryant	Harris, N.	McConchie	Tracy
Castro	Harriss, E.	Morrison	Turner, D.
Cervantes	Hastings	Murphy	Turner, S.
Chesney	Holmes	Peters	Ventura
Cunningham	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Feigenholtz	Lewis	Simmons	
Fine	Lightford	Sims	

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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Villa, **House Bill No. 1557** 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 53; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stoller
Belt	Gillespie	Martwick	Syverson
Bennett	Glowiak Hilton	McClure	Tracy
Bryant	Harris, N.	McConchie	Turner, D.
Castro	Harriss, E.	Morrison	Turner, S.
Cervantes	Hastings	Murphy	Ventura
Chesney	Holmes	Peters	Villa
Cunningham	Hunter	Porfirio	Villanueva
Curran	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	
Feigenholtz	Lewis	Sims	
Fine	Lightford	Stadelman	

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 Simmons, **House Bill No. 2131** 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 52; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	Martwick	Syverson
Belt	Glowiak Hilton	McClure	Tracy
Bryant	Harris, N.	McConchie	Turner, D.
Castro	Harriss, E.	Morrison	Turner, S.
Cervantes	Hastings	Murphy	Ventura
Chesney	Holmes	Peters	Villa
Cunningham	Hunter	Porfirio	Villanueva
Curran	Johnson	Preston	Villivalam
Edly-Allen	Jones, E.	Rezin	Wilcox
Ellman	Joyce	Rose	Mr. President
Faraci	Koehler	Simmons	
Feigenholtz	Lewis	Sims	
Fine	Lightford	Stadelman	
Fowler	Loughran Cappel	Stoller	

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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator N. Harris, **House Bill No. 2145** 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Belt	Gillespie	Martwick	Stoller
Bennett	Glowiak Hilton	McClure	Syverson
Bryant	Harris, N.	McConchie	Tracy
Castro	Harriss, E.	Morrison	Turner, D.
Cervantes	Hastings	Murphy	Turner, S.
Chesney	Holmes	Peters	Ventura
Cunningham	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Feigenholtz	Lewis	Simmons	
Fine	Lightford	Sims	

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 Johnson, **House Bill No. 2220** 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 2.

The following voted in the affirmative:

Anderson	Fine	Lewis	Sims
Belt	Fowler	Lightford	Stadelman
Bennett	Gillespie	Loughran Cappel	Stoller
Bryant	Glowiak Hilton	Martwick	Syverson
Castro	Harris, N.	McClure	Tracy
Cervantes	Harriss, E.	Morrison	Turner, D.
Chesney	Hastings	Murphy	Turner, S.
Cunningham	Holmes	Peters	Ventura
Curran	Hunter	Porfirio	Villa
Edly-Allen	Johnson	Preston	Villanueva
Ellman	Jones, E.	Rezin	Villivalam
Faraci	Joyce	Rose	Mr. President
Feigenholtz	Koehler	Simmons	

The following voted in the negative:

Plummer
Wilcox

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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Johnson, **House Bill No. 2278** 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 36; NAYS 15.

The following voted in the affirmative:

Belt	Glowiak Hilton	Loughran Cappel	Turner, D.
Castro	Harris, N.	Martwick	Ventura
Cervantes	Hastings	Morrison	Villa
Cunningham	Holmes	Murphy	Villanueva
Edly-Allen	Hunter	Peters	Villivalam
Ellman	Johnson	Porfirio	Mr. President
Faraci	Jones, E.	Preston	
Feigenholtz	Joyce	Simmons	
Fine	Koehler	Sims	
Gillespie	Lightford	Stadelman	

The following voted in the negative:

Anderson	Curran	Plummer	Tracy
Bennett	Fowler	Rose	Turner, S.
Bryant	Harriss, E.	Stoller	Wilcox
Chesney	Lewis	Syverson	

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 Koehler, **House Bill No. 3155** 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 36; NAYS 16.

The following voted in the affirmative:

Belt	Glowiak Hilton	Loughran Cappel	Turner, D.
Castro	Harris, N.	Martwick	Ventura
Cervantes	Hastings	Morrison	Villa
Cunningham	Holmes	Murphy	Villanueva
Edly-Allen	Hunter	Peters	Villivalam
Ellman	Johnson	Porfirio	Mr. President
Faraci	Jones, E.	Preston	
Feigenholtz	Joyce	Simmons	
Fine	Koehler	Sims	
Gillespie	Lightford	Stadelman	

The following voted in the negative:

Anderson	Fowler	Rose	Wilcox
Bennett	Harriss, E.	Stoller	
Bryant	Lewis	Syverson	
Chesney	McClure	Tracy	
Curran	Plummer	Turner, S.	

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 Johnson, **House Bill No. 1067** 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 54; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Belt	Gillespie	Martwick	Stoller
Bennett	Glowiak Hilton	McClure	Syverson

Bryant	Harris, N.	McConchie	Tracy
Castro	Harriss, E.	Morrison	Turner, D.
Cervantes	Hastings	Murphy	Turner, S.
Chesney	Holmes	Peters	Ventura
Cunningham	Hunter	Plummer	Villa
Curran	Johnson	Porfirio	Villanueva
Edly-Allen	Jones, E.	Preston	Villivalam
Ellman	Joyce	Rezin	Wilcox
Faraci	Koehler	Rose	Mr. President
Feigenholtz	Lewis	Simmons	
Fine	Lightford	Sims	

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.

POSTING NOTICE WAIVED

Senator Martwick moved to waive the six-day posting requirement on **House Bill No. 2269** so that the measure may be heard in the Committee on Judiciary that is scheduled to meet May 9, 2023.

The motion prevailed.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Glowiak Hilton, **House Bill No. 2079** 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 53; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Loughran Cappel	Stadelman
Belt	Gillespie	Martwick	Stoller
Bennett	Glowiak Hilton	McClure	Syverson
Bryant	Harris, N.	McConchie	Turner, D.
Castro	Harriss, E.	Morrison	Turner, S.
Cervantes	Hastings	Murphy	Ventura
Chesney	Holmes	Peters	Villa
Cunningham	Hunter	Plummer	Villanueva
Curran	Johnson	Porfirio	Villivalam
Edly-Allen	Jones, E.	Preston	Wilcox
Ellman	Joyce	Rezin	Mr. President
Faraci	Koehler	Rose	
Feigenholtz	Lewis	Simmons	
Fine	Lightford	Sims	

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.

MOTION IN WRITING

THE SENATE PRESIDENT
STATE OF ILLINOIS

DON HARMON

309 G CAPITOL BUILDING
SPRINGFIELD, IL 62706
(217)782-8176

May 5, 2023

Motion - Agreed Bills

I move that the attached list of House Bills be placed on the Order of House Bills - Third Reading - Agreed Bills so that they can be acted on by one roll call by the Senate: (see attached Agreed Bills List)

Sincerely,
s/Don Harmon
Don Harmon
Senate President

3rd Reading	HB 0042
3rd Reading	HB 0047
3rd Reading	HB 1117
3rd Reading	HB 1121
3rd Reading	HB 1153
3rd Reading	HB 1156
3rd Reading	HB 1186
3rd Reading	HB 1291
3rd Reading	HB 1384
3rd Reading	HB 1434
3rd Reading	HB 1465
3rd Reading	HB 1555
3rd Reading	HB 1558
3rd Reading	HB 1561
3rd Reading	HB 1566
3rd Reading	HB 1615
3rd Reading	HB 1625
3rd Reading	HB 1635
3rd Reading	HB 1727
3rd Reading	HB 1865
3rd Reading	HB 1920
3rd Reading	HB 2033
3rd Reading	HB 2057
3rd Reading	HB 2076
3rd Reading	HB 2091
3rd Reading	HB 2094
3rd Reading	HB 2097
3rd Reading	HB 2100
3rd Reading	HB 2102
3rd Reading	HB 2130
3rd Reading	HB 2156
3rd Reading	HB 2160
3rd Reading	HB 2188
3rd Reading	HB 2192
3rd Reading	HB 2207

3rd Reading	HB 2219
3rd Reading	HB 2224
3rd Reading	HB 2238
3rd Reading	HB 2258
3rd Reading	HB 2267
3rd Reading	HB 2274
3rd Reading	HB 2277
3rd Reading	HB 2289
3rd Reading	HB 2308
3rd Reading	HB 2325
3rd Reading	HB 2338
3rd Reading	HB 2431
3rd Reading	HB 2442
3rd Reading	HB 2503
3rd Reading	HB 2519
3rd Reading	HB 2582
3rd Reading	HB 2584
3rd Reading	HB 2607
3rd Reading	HB 2619
3rd Reading	HB 2621
3rd Reading	HB 2622
3rd Reading	HB 2624
3rd Reading	HB 2717
3rd Reading	HB 2776
3rd Reading	HB 2788
3rd Reading	HB 2799
3rd Reading	HB 2800
3rd Reading	HB 2827
3rd Reading	HB 2841
3rd Reading	HB 2855
3rd Reading	HB 2861
3rd Reading	HB 2879
3rd Reading	HB 2901
3rd Reading	HB 2963
3rd Reading	HB 2972
3rd Reading	HB 3030
3rd Reading	HB 3060
3rd Reading	HB 3071
3rd Reading	HB 3087
3rd Reading	HB 3097
3rd Reading	HB 3103
3rd Reading	HB 3109
3rd Reading	HB 3133
3rd Reading	HB 3161
3rd Reading	HB 3172
3rd Reading	HB 3202
3rd Reading	HB 3206
3rd Reading	HB 3224
3rd Reading	HB 3230
3rd Reading	HB 3277
3rd Reading	HB 3289
3rd Reading	HB 3304
3rd Reading	HB 3340
3rd Reading	HB 3405
3rd Reading	HB 3406
3rd Reading	HB 3442

3rd Reading	HB 3559
3rd Reading	HB 3578
3rd Reading	HB 3613
3rd Reading	HB 3631
3rd Reading	HB 3639
3rd Reading	HB 3680
3rd Reading	HB 3722
3rd Reading	HB 3747
3rd Reading	HB 3755
3rd Reading	HB 3760
3rd Reading	HB 3775
3rd Reading	HB 3809
3rd Reading	HB 3819
3rd Reading	HB 3876
3rd Reading	HB 3890
3rd Reading	HB 3955

President Harmon moved for the adoption of the foregoing motion.

The motion prevailed, and the Chair directed that the Order of Third Reading - Agreed House Bills List shall be created and printed on the Senate Calendar.

President Harmon stated for the record that the Secretary of the Senate will have vote intention sheets available where Senators can mark whether they wish to vote No, Present, or Not Vote on a particular bill on the list. If you fail to do so, then the roll call for each bill on the Agreed Bill List will reflect the vote you cast on the Agreed Bill List. Each Senator must file their vote intention sheets no later than 5:00 o'clock p.m., on Tuesday, May 9, 2023, with the Secretary of the Senate.

With leave of the Body, President Harmon moved to adopt the process just described.

There being no objection, the motion was adopted.

PRESENTATION OF CELEBRATION OF LIFE RESOLUTION

SENATE RESOLUTION NO. 260

Offered by Senator Feigenholtz and all Senators:

Mourns the death of Elizabeth N. "Beth" (Newell) Murphy, a beloved community leader.

CONGRATULATORY RESOLUTION CONSENT CALENDAR

SENATE RESOLUTION NO. 35

Offered by Senators Gillespie - Castro - Murphy:

Congratulates David R. Schuler, Ph.D., on his appointment as the next executive director of the School Superintendents Association (AASA). Commends his long career in public education.

SENATE RESOLUTION NO. 65

Offered by Senators DeWitte and Syverson:

Congratulates John Duffy on his retirement from the Elgin Community College District 509 Board of Trustees after 48 years of service. Recognizes his status as the institution's longest serving trustee. Thanks him for his decades of hard work and commitment to the college, the students, and his communities.

SENATE RESOLUTION NO. 71

Offered by Senator Chesney:

Congratulates United States Attorney for the Northern District of Illinois John R. Lausch Jr. on his upcoming retirement and thanks him for his years of dedicated service to the State of Illinois in battling public corruption.

SENATE RESOLUTION NO. 112

Offered by Senator Chesney:

Congratulates Highland Community College on the celebration of the school's 60th anniversary.

SENATE RESOLUTION NO. 128

Offered by Senator Preston:

Congratulates Alderman Howard B. Brookins Jr. on his retirement from the Chicago City Council. Thanks him for his years of dedicated service to the people of the 21st Ward and the City of Chicago. Wishes him continued success in his future endeavors.

SENATE RESOLUTION NO. 148

Offered by Senator Fowler:

Congratulates Raymond Altmix on his 50 years in community banking and wishes him many more wonderful years.

SENATE RESOLUTION NO. 167

Offered by Senator Joyce:

Congratulates the Garden of Prayer Youth Center on celebrating 45 years of providing services to at-risk children throughout the State of Illinois.

SENATE RESOLUTION NO. 168

Offered by Senator Lewis:

Congratulates Emil Garippo on his 100th birthday. Thanks him for his military service and sacrifice to the United States of America. Wishes him the best in all his future endeavors.

SENATE RESOLUTION NO. 173

Offered by Senator Cunningham:

Congratulates Dr. Sylvia M. Jenkins on her retirement as president of Moraine Valley Community College.

SENATE RESOLUTION NO. 175

Offered by Senator Rose:

Congratulates Chief Chad Reed on his retirement and commends him for his decades of service to his community as a police officer as well as his service to the United States through the Marine Corp.

SENATE RESOLUTION NO. 181

Offered by Senator Johnson:

Congratulates Ryan Risinger on his retirement from the Buffalo Grove Park District.

SENATE RESOLUTION NO. 192

Offered by Senator D. Turner:

Congratulates Dr. William DeShone Rosser on serving five years as senior pastor at Pleasant Grove Baptist Church in Springfield.

SENATE RESOLUTION NO. 194

Offered by Senator Edly-Allen:

Congratulates Billy McKinney on the retirement of his basketball jersey at Northwestern University.

SENATE RESOLUTION NO. 207

Offered by Senator Curran:

Congratulates the Illinois High School Association and Illinois student gymnasts, coaches, and parents on the achievements of boys and girls gymnastics for the past 70 and 50 years respectively. Congratulates the IHSA for its continued official support of boys and girls gymnastics in the State of Illinois.

SENATE RESOLUTION NO. 216

Offered by Senator Rezin:

Congratulates the Morris Theatre Guild, Inc. on its 50th anniversary. Commends the organization's perseverance and commitment to the performing arts. Encourages the guild to continue enriching the lives of its community and the State with its dedication to the beauty and wonder that is the theater.

SENATE RESOLUTION NO. 223

Offered by Senator Hastings:

Congratulates NASCAR on its 75th anniversary and commemorates its contributions to the State of Illinois.

SENATE RESOLUTION NO. 227

Offered by Senator Stadelman:

Congratulates Terry McGoldrick on his retirement from International Brotherhood of Electrical Workers Local 15.

SENATE RESOLUTION NO. 232

Offered by Senator Johnson:

Recognizes Superintendent John Price, Ed.D., of North Chicago Community Unit School District 187 (North Chicago CUSD 187) on being named Lake County Superintendent of the Year by the Lake County Superintendents' Association. Thanks Dr. Price for his inspirational leadership and dedication to ensuring all students receive a great education while attending North Chicago CUSD 187 that prepares them for an even greater future.

The Chair moved the adoption of the Resolutions Consent Calendar.

The motion prevailed, and the resolutions were adopted.

CELEBRATION OF LIFE RESOLUTION CONSENT CALENDAR

SENATE RESOLUTION NO. 234

Offered by Senator Faraci and all Senators:

Mourns the death of Max C. Call, formerly of Georgetown.

SENATE RESOLUTION NO. 236

Offered by Senator Murphy and all Senators:

Mourns the passing of Donald E. "Don" Meseth of Des Plaines.

SENATE RESOLUTION NO. 237

Offered by Senator Lightford and all Senators:

Mourns the death of Michael John Gerace, formerly of Downers Grove.

SENATE RESOLUTION NO. 239

Offered by Senator Curran and all Senators:

Mourns the death of Duane Russell Bradley.

SENATE RESOLUTION NO. 242

Offered by Senators D. Turner - Sims and all Senators:

Mourns the death of Marcus L. Lucas of Springfield.

SENATE RESOLUTION NO. 243

Offered by Senator Anderson and all Senators:

Mourns the death of Dale Otto Wynes of Reynolds.

SENATE RESOLUTION NO. 247

Offered by Senator Anderson and all Senators:

Mourns the death of Rod Krahl of Milan.

SENATE RESOLUTION NO. 248
Offered by Senator Belt and all Senators:
Mourns the passing of Rev. Dr. John Q. Owens Jr.

SENATE RESOLUTION NO. 251
Offered by Senator Hunter and all Senators:
Mourns the death of Odessa Hartley McReynolds.

SENATE RESOLUTION NO. 252
Offered by Senator Hunter and all Senators:
Mourns the passing of Josie (Brown) Childs of Chicago.

SENATE RESOLUTION NO. 253
Offered by Senator Hunter and all Senators:
Mourns the passing of John Pickett.

SENATE RESOLUTION NO. 254
Offered by Senator Hunter and all Senators:
Mourns the death of Ann Lee "Annie" Robinson-Anderson.

SENATE RESOLUTION NO. 255
Offered by Senator Hunter and all Senators:
Mourns the death of Lela Tyler.

SENATE RESOLUTION NO. 256
Offered by Senator Hastings and all Senators:
Mourns the death of Les Peterson of Palos Park.

SENATE RESOLUTION NO. 257
Offered by Senator Hastings and all Senators:
Mourns the death of Dennis Michael Magee.

SENATE RESOLUTION NO. 258
Offered by Senator Hastings and all Senators:
Mourns the death of Command Sergeant Major (Ret.) Frank Bernardo Belergy Martin Jr.

SENATE RESOLUTION NO. 259
Offered by Senator Faraci and all Senators:
Mourns the death of Robert Eugene Rouse of Oakwood.

SENATE RESOLUTION NO. 260
Offered by Senator Feigenholtz and all Senators:
Mourns the death of Elizabeth N. "Beth" (Newell) Murphy, a beloved community leader.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 3 to House Bill 475

Amendment No. 2 to House Bill 1131
Amendment No. 3 to House Bill 1268
Amendment No. 4 to House Bill 2077
Amendment No. 1 to House Bill 2147
Amendment No. 2 to House Bill 2189
Amendment No. 3 to House Bill 2396
Amendment No. 2 to House Bill 3095
Amendment No. 2 to House Bill 3129
Amendment No. 2 to House Bill 3456
Amendment No. 1 to House Bill 3500
Amendment No. 2 to House Bill 3524
Amendment No. 2 to House Bill 3563
Amendment No. 2 to House Bill 3570
Amendment No. 1 to House Bill 3699
Amendment No. 2 to House Bill 3702
Amendment No. 1 to House Bill 3751
Amendment No. 2 to House Bill 3751

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 837
Amendment No. 3 to Senate Bill 1160

The following Committee 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 3093

At the hour of 11:11 o'clock a.m., the Chair announced that the Senate stands adjourned until Monday, May 8, 2023, at 4:00 o'clock p.m.