50th Legislative Day

5/24/2019

HB0038	Third Reading	4
НВ0094	Third Reading	21
HB0137	Second Reading	2
HB0160	Third Reading	10
НВ0909	Third Reading	23
HB1438	Out Of Record	15
HB1438	Third Reading	14
HB1587	Third Reading	15
HB2084	Third Reading	25
НВ2276	Second Reading	3
HB2719	Out Of Record	5
HB2719	Third Reading	5
HB2884	Third Reading	5
HB2895	Third Reading	7
HB2931	Recalled	30
HB2931	Third Reading	31
НВ3501	Recalled	8
НВ3501	Third Reading	9
SR0372	Adopted	3
HJR0046	Resolution Offered	2

Senate to Order-Senator Martinez	1
Prayer-The Reverend Brian Cope	1
Pledge of Allegiance	1
Journal-Postponed	1
Messages from the House	2
Resolutions Consent Calendar-Adopted	33
Adjournment	34

50th Legislative Day

5/24/2019

PRESIDING OFFICER: (SENATOR MARTINEZ)

The regular Session of the 101st General Assembly will come to order. Will the Members please be at their desk? Would our guests in the galleries please rise? The invocation today will be given by Reverend Brian Cope, Congregational Church of Algonquin, United Church of Christ, Algonquin, Illinois. THE REVEREND BRIAN COPE:

(Prayer by the Reverend Brian Cope) PRESIDING OFFICER: (SENATOR MARTINEZ)

Please remain standing for the Pledge Allegiance. Senator Cunningham, to lead us in the Pledge. SENATOR CUNNINGHAM:

(Pledge of Allegiance, led by Senator Cunningham) PRESIDING OFFICER: (SENATOR MARTINEZ)

Richard Millard from Bluestream.com {sic} (Blueroomstream.com) wishes to videotape -- photograph and videotape the proceedings. There being no objection -- seeing no objection, so -- leave is granted. Mr. Secretary, Reading and Approvals of the Journal.

SECRETARY ANDERSON:

Senate Journal of Thursday, May 23rd, 2019. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Hunter.

SENATOR HUNTER:

Madam President, I move to postpone the reading and approval of the Journal just read by the Secretary, pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Hunter moves to postpone the readings and approval of

50th Legislative Day

5/24/2019

the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

A Message from the House by Mr. Hollman, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 46.

Offered by Senator Harmon and adopted by the House, May 15th, 2019. John W. Hollman, Clerk of the House. It is substantive, Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Ladies and Gentlemen of the Senate, we ask that all Members please be here on the Senate Floor. We're going to go to bills that have amendments so we can send them back to the House. We're going to go through this swiftly, so, please, everyone at the sound of my voice, please come down to the Senate Chamber. Ladies and Gentlemen, we're going to page 12, middle of the page. We're going to start with Senator Castro on House Bill 137. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 137.

(Secretary reads title of bill) 2nd Reading of the bill. No committee amendments reported. PRESIDING OFFICER: (SENATOR MARTINEZ)

Mr. Secretary, are there any Floor amendments approved for consideration?

50th Legislative Day

5/24/2019

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Castro. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Castro.

SENATOR CASTRO:

Thank you, Madam President. I ask for its adoption and I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration? SECRETARY ANDERSON:

No further amendments reported. PRESIDING OFFICER: (SENATOR MARTINEZ)

3rd Reading. On the Order of 2nd Reading, let's continue, in the middle of the page. Senator Morrison, on 2 -- on House Bill 2276, the amendment {sic}. Mr. Secretary, please read the bill. SECRETARY ANDERSON:

House Bill 2276.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR MARTINEZ)

3rd Reading. Moving on to Resolution. Senate Resolution 372. Senator Stewart. Mr. Secretary, please read the bill -please read the resolution.

SECRETARY ANDERSON:

Senate Resolution 372, offered by Senator Stewart. PRESIDING OFFICER: (SENATOR MARTINEZ)

50th Legislative Day

5/24/2019

Senator Stewart. SENATOR STEWART:

...President -- thank you, Madam President. Senate Resolution 372 recognizes the month of May as Brain Tumor Awareness Month. PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? The question is, shall Senate Resolution 372 pass. All those in favor, vote Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Ladies and Gentlemen, 3rd Reading, final -- final action. We are going to page 5. House Bill 38. Senator Crowe. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 38.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Crowe.

SENATOR CROWE:

Thank you, Madam President. HB 38 provides that a person commits aggravated assault or aggravated battery when he or she commits an assault or battery in a church, synagogue, mosque, or other building used for -- religious worship. This bill also provides an aggravating factor for murder when a murdered individual was a member of a congregation engaged in prayer or other religious activities at a place of worship. I know of no opposition and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? Seeing none, the question is, shall House Bill 38 pass. All those vote -- vote -- will vote Aye.

50th Legislative Day

5/24/2019

Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 56 Members voting Aye, 0 voting Nay, 0 voting Present. House Bill 38, having received the required constitutional majority, is declared passed. Senator Lightford, on House Bill 94. Senator Lightford. Senator T. Cullerton, on House Bill 823. House Bill 2084. Senator Lightford. Senator Lightford. Senator T. Cullerton, on House Bill 2540. Senator Lightford, on House Bill 2685. Senator Lightford. Senator Manar, on House Bill 2719. Mr. Secretary, please read the bill. SECRETARY ANDERSON:

House Bill 2719.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Manar.

SENATOR MANAR:

Thank you, Madam President. I'd like to take the bill out of the record for now. Thank you.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Mr. Secretary, please take the bill out of the record. Senator Link, on House Bill 2862. Bottom of page 9. Senator Link. On the top of page 10, Senator Manar, on House Bill 2884. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2884.

(Secretary reads title of bill) 3rd Reading of the bill. PRESIDING OFFICER: (SENATOR MARTINEZ)

50th Legislative Day

5/24/2019

Senator Manar. SENATOR MANAR:

Thank you, Madam President. This is a bill that came to me from a group of constituents that got caught up in kind of an oversight when it comes to how special education cooperatives work and how they interact with IMRF. It provides that an employee of a special education entity participating in IMR -- IMRF may redeem unpaid sick days from a current or future special education entity participating in IMRF. So what happened was, there was a co-op in the central part of the State that broke apart as a mutual agreement and those employees got hung up...

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator -- Senator Manar, hold on. Can we please have it a little bit quiet here in the Chamber? I can't hear the -- the sponsor of the bill.

SENATOR MANAR:

Thank you. Those employees got hung up in what I would describe as an interpretation of the IMRF Code. So this corrects that. I know of no opposition. I'd be happy to take any questions. PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? Seeing none, the question is, shall House Bill 2884 pass. All those will vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 56 Members voting Aye, 0 voting Nay, 0 voting Present. House Bill 2884, having received the required constitutional majority, is declared passed. On page 10, House Bill 2931. Senator Harris. Senator Harris. 2931. On page 11, House Bill 3501. Senator Bush. Senator Bush. On top of page 10,

50th Legislative Day

5/24/2019

House Bill 2895. Senator Sims. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2895.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Sims.

SENATOR SIMS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 2895, as amended, requires the Department of Public Health to ensure that all birthing facilities conduct continuing education yearly for providers and staff that can care for pregnant or postpartum women on management of severe maternal hypertension and postpartum hemorrhage. The bill requires the Department to make available to all birthing facilities best practices for identifying pregnant -- pregnant and postpartum women in the emergency department and for timely and appropriate consultation on management and follow-up from an -- obstetric provider, with the option for hospitals to use telemedicine for such consultation. I know of no opposition and ask for any -know of no opposition and ask for a favorable roll call. Will answer any questions.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? Seeing none, the question is, shall House Bill 2895 pass. All those in favor, vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 55 Members voting Aye, 0 voting Nay, 0

50th Legislative Day

5/24/2019

voting Present. House Bill 2895, having received the required constitutional majority, is declared passed. Page 11. Senator Bush, on House Bill 3501. Mr. Secretary -- Senator Bush seeks leave of the Body to return House Bill 3501 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 3501. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 4, offered by Senator Bush. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Bush, on the amendment. SENATOR BUSH:

I would ask for the adoption of the amendment and will explain it when the bill's on 3rd.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Any discussion? All those in favor, vote {sic} Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments -- approved for consideration? SECRETARY ANDERSON:

Floor Amendment No. 5, offered by Senator Bush. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Bush, on the amendment. SENATOR BUSH:

Again, Madam President, I'd ask that we adopt Floor Amendment 5.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Are there any discussion? Seeing none, the -- all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments --

50th Legislative Day

5/24/2019

approved for consideration?

SECRETARY ANDERSON:

No further amendments reported. PRESIDING OFFICER: (SENATOR MARTINEZ)

3rd Reading. On the Order of 3rd Reading is House Bill 3501. Mr. Secretary, please read the bill. SECRETARY ANDERSON:

House Bill 3501.

(Secretary reads title of bill) 3rd Reading of the bill. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Bush.

SENATOR BUSH:

Thank you, Madam President. This is a comprehensive cleanup of the Illinois Property Assessed Clean Energy Act, referred to as PACE. It's championed by the Illinois Finance Authority. Currently, PACE allows local units of government to establish financing programs for commercial/industrial properties to make energy efficiency upgrades on their property. This bill amends the Act to make it more consistent with the Illinois current special assessment laws and provides clearer bonding authority. I mean, frankly, this allows PACE -- commercial PACE to be used for resiliency programs that will make our commercial buildings more resistant to tornadoes and flooding and those kinds of occurrences. There's no opposition to the bill. I would ask for an Aye vote. PRESIDING OFFICER: (SENATOR MARTINEZ)

Any discussion? Senator Rezin, what purpose do you rise? SENATOR REZIN:

...you, Madam President. I'd like -- to the bill, please.

50th Legislative Day

5/24/2019

PRESIDING OFFICER: (SENATOR MARTINEZ)

To the bill.

SENATOR REZIN:

I would like to commend the sponsor on working with this bill. I know we had some reservations with the Realtors Association and you worked with them to get them to move to neutral, so I would ask everybody to support the bill. Thank you.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Any further discussion? Seeing none, the question is, shall House Bill 3501 pass. All those in favor, vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 55 Members voting Aye, 0 voting Nay, 0 voting Present. House Bill 3501, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we're going to House Bills 3rd Reading. We are going to top of the Order of 3rd Reading, page 5, middle of the page. House Bill 38. Senator Crowe. I mean, I'm sorry, 51. I'm sorry. House Bill 51. Senator Collins. House Bill 94. Senator Lightford. Senator Belt. House Bill 160. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 160.

(Secretary reads title of bill) 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Belt.

SENATOR BELT:

...you -- thank you, Madam President. House Bill 160 amends

50th Legislative Day

5/24/2019

the Cannabis Control Act to provide that the enhanced penalties for cannabis delivery on school grounds does not apply when the violation occurs in or on the grounds of a building that was formerly designated as a school, but is no longer operational as a school due to it being temporarily or permanently closed by a unit of local government. Madam President, really -- what this bill really does is for a school...

PRESIDING OFFICER: (SENATOR MARTINEZ)

Hold -- hold on one second. Can we please keep it down? I cannot hear the sponsor. Senator Belt, please. SENATOR BELT:

Madam President, what -- what House Bill 160 really does is, if a school has been closed, shuttered, completely closed by a local school board or another local unit of government, this bill simply says that if someone was on the school grounds and -- and -- and was arrested for selling -- with cannabis, that the enhancement that was put in place to protect kids will not be utilized because the school is no longer, for intents and purposes, a school. And so that's all that House Bill 160 looks to do. PRESIDING OFFICER: (SENATOR MARTINEZ)

Any discussion? Senator Stewart, what purpose do you rise? SENATOR STEWART:

To the bill, Madam President. PRESIDING OFFICER: (SENATOR MARTINEZ)

To the bill.

SENATOR STEWART:

Members of the Senate, this bill was heard in Criminal Law Committee and it passed out on a partisan roll call. Would ask for a No vote.

50th Legislative Day

5/24/2019

PRESIDING OFFICER: (SENATOR MARTINEZ)

Any further discussion? Seeing -- Senator Righter, for what purpose do you rise? SENATOR RIGHTER:

Will the sponsor yield, please, Madam President? PRESIDING OFFICER: (SENATOR MARTINEZ)

He indicates that he will yield. SENATOR RIGHTER:

Thank you. Senator Belt, are you -- first of all, thank you for coming over and engaging me in a conversation about this bill before it was called. I want to make sure that we are clear on what we are doing here, because, in my experience, this is one of those bills that if a Member chooses to support it, it's easy to be attacked later because of a misunderstanding, or maybe not a misunderstanding, just an intentional misrepresentation of what the bill does. So, my understanding is, the enhancement that is in current law would not apply if the school board has closed the school. Is that correct?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Belt. SENATOR BELT:

That is absolutely correct. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Righter.

SENATOR RIGHTER:

Would the enhancements still apply if the school board or school district had changed the school's purpose but was still operating it as a school, some sort of school? In other words, it used to be a middle school and now it's a facility for alternative

50th Legislative Day

5/24/2019

education. Would the enhancements still apply in that situation? PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Belt.

SENATOR BELT:

Yes, it would.

SENATOR RIGHTER:

Now, another Member just came to me with a question and I apologize, Senator Belt, because I'm -- I'm -- I'm going to raise an issue that you and I did not talk about, and that is, the issue of, obviously, elementary, middle school, preschool, they would have playgrounds. So if the -- if there's playground equipment on the grounds and that is still being used, would the enhancement apply? I -- honestly, I should know whether or not there's enhancement for public playgrounds or school grounds, parks, places like that. I don't know the answer to that. Maybe your -- your staff member does.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Belt.

SENATOR BELT:

Senator, the enhancement is only intended for anything with educational purposes, educational ties.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. And thank you, Senator Belt, for your clarification.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Belt, to close. SENATOR BELT:

50th Legislative Day

5/24/2019

Madam President, this bill is a bill that came forth out of a Cook County case, where a -- a school had been shuttered and subsequently an arrest was made and the enhancement was given along with the arrest. All this does is look -- it is underscoring the fact that if a school is permanently shut down, there's no children or no students around, what it says is, charge the person but just don't give the enhancement to {sic} a building that is no longer used for educational purposes, no kids are around, the school has been shuttered, as is the language in the -- in the bill. And so I ask for Aye votes on this bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

The question is, shall House Bill 160 pass. All those in favor, vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 30 Members voting Aye, 18 voting No, 0 voting Present. House Bill 160, having received the required constitutional majority, is declared passed. House Bill -- Senate -- I'm sorry, House Bill 198 -- 8 -- I'm sorry, House Bill 88 {sic}. Senator Muñoz. Senator Muñoz, 188? Page 6. Senator Bennett, on 357. House Bill 357. Senator Bennett. Senator Harris, on House Bill 465. Senator T. Cullerton, on House Bill 823. Senator Peters, on House Bill 900. Senator Lightford. House Bill 909. Senator Cunningham. 1438. House Bill 1438. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1438.

(Secretary reads title of bill) 3rd Reading of the bill.

50th Legislative Day

5/24/2019

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Cunningham.

SENATOR CUNNINGHAM:

Is there an amendment that needs to be adopted? PRESIDING OFFICER: (SENATOR MARTINEZ)

No, there's not.

SENATOR CUNNINGHAM:

Okay. Thank you, Madam President. House Bill 1438 creates... PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator -- Cunningham, hold on one second. Senator, there's an amendment in Assignments. Do you want to hold the bill for that? Okay. Mr. Secretary, please take the -- the bill out of the record. Senator Manar, on House Bill 1455. Senator Manar. Senator Sims, on House Bill 1587. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 1587.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Sims.

SENATOR SIMS:

Thank you, Madam President. House Bill 1587 allows a court to deviate from mandatory minimum sentences and impose probation or conditional discharge or a lesser sentence of imprisonment if the court finds that the person does not pose a risk to public safety and the interest of justice requires not imposing a mandatory sentence. The bill requires a court to state on the record its reasoning for deviating from the -- the mandatory

50th Legislative Day

5/24/2019

minimum sentence. Again, I'll answer any questions, Madam
President. Ask for a favorable roll call.
PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? Senator McClure, for what purpose do you rise?

SENATOR McCLURE:

A question for the sponsor. PRESIDING OFFICER: (SENATOR MARTINEZ)

He says he will yield. Senator McClure. SENATOR McCLURE:

Thank you, Madam President. So, we've got three sort of categories of offenses. We've got retail theft, which I can't -in my six years as a prosecutor, I never once saw a retail theft that was a mandatory prison sentence. And then -- but at least we know what that is. And then we've got driving on a revoked license due to unpaid financial obligations. But then there's an entire category of if the offense involves the use or possession of drugs, and it could be any offense. Why is that so ambiguous, Senator, versus the other two offenses, which are very specific? PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Sims. SENATOR SIMS:

Senator, what the -- the -- the law -- the bill before you allows is for the judge to use his discretion, as I mentioned, if the person is -- is a threat to public safety or if it's in the interest of justice for the -- the judge to then not impose a mandatory minimum sentence. So we are -- we are empowering judges to make the decisions that -- that they are charged with making. And then also making sure that they state on the record why they

50th Legislative Day

5/24/2019

have made that decision. We are not going to act as a superjudiciary; we are allowing the judges to then make the -- make -use their discretion to make the decisions that they're charged with making.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator McClure.

SENATOR McCLURE:

Thank you, Senator. To the bill, Madam President. PRESIDING OFFICER: (SENATOR MARTINEZ)

To the -- to the bill. SENATOR McCLURE:

And...(microphone cutoff)...and I appreciate Senator Sims, because he's -- his heart's in the right place with this legislation, except for the fact that when this -- this language is so broad and ambiguous. So any offense that involves the use or possession of drugs that is currently not eligible for probation would now be eligible for probation at the discretion of a -- of the judge. So I want to talk about some of those offenses that involve the use of drugs. Aggravated criminal sexual assault it's aggravated because the person delivers, by injection, inhalation, ingestion, transfer of possession, or any other means, any controlled substance to the victim without the victim's consent or by threat of -- or deception for other than medical purposes. In other words, that's a crime that's a Class X felony - sexual assault that involves the use of drugs. Another offense that involves the use of drugs is driving while under the influence of drugs. But it's not a mandatory sentence to the Department of Corrections until your fourth violation and your fifth violation and your sixth violation. These are Class X felonies involving

50th Legislative Day

5/24/2019

the use of drugs that pose a risk to the people that are our constituents. And there's a reason why the Legislature has made it so that these are out of the discretion of a judge. And many of you may be saying to yourself, well, a judge would never allow for someone to drug someone for sexual assault and give 'em probation because of this bill, except for the fact that in our recent news, that's what's been happening. The Brock Turner case, the Stanford rape case where a woman was unconscious after a frat party and raped, and the judge was -- I think he was just taken out of office for that decision. But judges, for whatever reason, in my experience, can make very poor decisions on the wrong day because they woke up on the right side of the bed and they heard certain things, and they don't take into account sometimes the danger that it poses to the community. There is a reason that we take certain crimes out of the discretion of a judge. Another one was the -- the most recent one was the -- the frat president at Baylor. He was supposedly drugging many women and, in particular, there was a -- the -- you know, he got a very, very light sentence. That caused national outrage. And it's all because this -- this language is so ambiguous. There's an easy way to solve this, just say anybody who violates the Controlled Substances Act or something to that nature. But the fact that you make it so that every single crime that involves the use of drugs. And by the way, I've seen -- I've -- I've practiced in two counties in this State. There are a hundred and two counties. Every county's different. We've got different judges. You know, any ambiguous language is to be afforded to the benefit of the defendant. I can even see judges interpreting this to mean that if they're using drugs when they commit a crime, then therefore they're now eligible for probation

50th Legislative Day

5/24/2019

when they would not be eligible for probation. This is really -this is -- this is going to -- although the -- the sponsor has good intentions behind this because we don't want people that are committing violent crimes, you know, to have to go to prison automatically, this is going to allow for certain horrible crimes - aggravated sexual assault I would say is a violent crime - to be eligible for probation when they're not eligible for probation. And if you don't think a judge would be able to make that decision -- and by the way, these cases I mentioned, these are not like, you know, poor horrible, you know, family life victims -- or -- or defendants. There are, like, you know, rich frat kids, let's face it, that are getting off on these things. I mean, if you think that -- that the type of -- of -- of people that need the break are going to get it all the time, they're not going to, unfortunately. But this is just bad legislation, because it's going to put people that should not be out in public anymore to remain in public, causing a danger to our communities. And this is -- and for that reason, I ask for all of us in the Senate to vote No. Thank you.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator, do you wish to respond? SENATOR SIMS:

Absolutely, Madam President. And I -- I appreciate the Senator's perspective, and we talked about this, about his perspective, previously. But as I mentioned in my opening comments, the intent is to treat the Judiciary as they are, a coequal branch of government. We are going to make sure that we don't stand as a super-judiciary and stand in the place of the Judiciary. If we are going to -- the reason that we got into the

50th Legislative Day

5/24/2019

system that we -- we've got into -- the problems that we've gotten into in our criminal justice system, the reason that we have been trying desperately to reform our criminal justice system, to tear down the problems that we have, is because of the mandatory minimum sentencing. So I -- I get it. There are -- there are folks -some folks have -- they're -- they're -- they're afraid that the -- the judges won't use their discretion appropriately. I get it. But if -- you know, when you're talking about the fourth or the fifth or the sixth violation, a judge can use their -- their discretion to determine when an individual is a threat to public safety. The judge can then -- is -- under this legislation, the judge is then required to state on the record the reason why they made the decision to -- to give the -- to deviate from the mandatory minimum sentence. Nothing in this legislation says that the judge has to do that. It -- it is merely another tool in the tool box that reforms our criminal justice system. Now, we can -- the -the -- the -- the talking points that this will -- will -- will harm public safety, that is not the intent of this legislation. The intent of this legislation is to empower the Judiciary to act appropriately. Thank you, Madam President. PRESIDING OFFICER: (SENATOR MARTINEZ)

Thank you, Senator. Any further discussion? Seeing none, the question is, shall House Bill 1587 pass. All those in favor, vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 28 Members voting Aye, 0 voting -- 28 Members voting Aye, 18 voting No, 0 people voting Present. House Bill 1587 failed to receive the required constitutional majority. It is declared failed. Senator Sims,

50th Legislative Day

5/24/2019

for what purpose do you rise?
SENATOR SIMS:

I'd like to ask that 15 -- House Bill 1587 be put on -- placed on Postponed Consideration, Madam President. PRESIDING OFFICER: (SENATOR MARTINEZ)

Mr. Secretary, please place House Bill 1587 on -- on -- on -- Postponed Consideration. Going back on the order -- previous order, we are going to House Bill -- House Bill 94. Senator Lightford, do you wish to proceed? Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 94.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Currently, individuals sentenced under Truth in Sentencing provisions, who are required to serve eighty-five percent or one hundred percent of their sentence, are ineligible to receive sentencing credit for successful completion of classes with educational, substance abuse, vocational, or re-entry focus. House Bill 94 clarifies that the Illinois Department of Corrections prisoner sentence prior to the implementation of Truth in Sentencing in June of 1998 will earn sentence credit for successfully completing programming. This bill does not undermine Truth in Sentencing. Prisoners required to serve one hundred percent or eighty-five percent of their sentence will still have

50th Legislative Day

5/24/2019

to serve one hundred percent or eighty-five percent of their sentence. We adopted an amendment, Committee Amendment No. 1, that removed opposition from the State's Attorney and the Prisoner Review Board. I'll be happy to answer questions. PRESIDING OFFICER: (SENATOR MARTINEZ)

Any discussion? Senator Stewart, for what purpose do you rise?

SENATOR STEWART:

To the bill, Madam President. PRESIDING OFFICER: (SENATOR MARTINEZ)

To the bill.

SENATOR STEWART:

Appreciate Leader Lightford bringing this bill forward. However, we heard this bill in Crim Law Committee. It went out on a partisan roll call. The State Police are still opposed, according to our analysis. And I would ask for a No vote. PRESIDING OFFICER: (SENATOR MARTINEZ)

Any further discussion? Senator Shrimp -- Schimpf, for what purpose do you rise? SENATOR SCHIMPF:

Will the -- will the sponsor yield, Madam President? PRESIDING OFFICER: (SENATOR MARTINEZ)

I'm sorry, Senator. Senator Lightford. Senator Schimpf, go ahead.

SENATOR SCHIMPF:

Yes. Yeah, Leader Lightford, my -- my analysis that I have indicates that the Department of Corrections is -- is opposed to this. Can you just tell me whether that's -- whether that's true, and if in fact it is, what -- what's the basis of their opposition?

50th Legislative Day

5/24/2019

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Senator, I believe your analysis just may not have been updated since that Committee Amendment No. 1. That removed the opposition of State Police, the Department, and the State's Attorney Association. There's no opposition to this bill and the proponent is John Howard Association.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Schimpf.

SENATOR SCHIMPF:

Thank you for that clarification, Leader.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Leader Lightford, to close.

SENATOR LIGHTFORD:

Ladies and Gentlemen of the Senate, I ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Ladies and Gentlemen, shall House -- the question is, shall House Bill 94 pass. All those -- all those in favor, vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 37 Members voting Aye, 17 voting No, 0 voting Present. House Bill 94, having received the required constitutional majority, is declared passed. Senator Lightford, on House Bill 909. Mr. Secretary, please read the bill. SECRETARY ANDERSON:

House Bill 909.

(Secretary reads title of bill)

50th Legislative Day

5/24/2019

3rd Reading of the bill.
PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you again, Madam President and Ladies and Gentlemen of the Senate. House Bill 909 provides that when a child is taken into protective custody under suspicion of abuse that the forensic interviews of the child shall be electronically recorded and that parental consent is not required for the interview to be recorded. The bill provides that forensic interview recordings and forensic interview transcripts are exempt from disclosure under the Freedom of Information Act and shall only be viewed by the court, attorneys, investigators, and experts for the purpose of administrative or judicial hearings. There is no opposition. There is a -- a number of proponents. Children Advocacy Center was one of the main proponents. The Chiefs of Police of LaGrange are support {sic}. Taylorville Police Department, the Morris {sic} (Morrison) Police Department, the Juvenile Officers Association, and the list goes on of law enforcement that are in support of this legislation. I'd be happy to answer questions. PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? Seeing none, the question is, shall House Bill 909 pass. All those in favor, vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 57 Members voting Aye, 0 voting Nay, 0 voting Present. House Bill 909, having received the required constitutional majority, is declared passed. We're going to go back and pick up bills that have amendments. On page 7, top of

50th Legislative Day

5/24/2019

the -- middle of the page, Senator Lightford, on 20 -- on 2084. House Bill 2084. Mr. Secretary, please read the bill. SECRETARY ANDERSON:

House Bill 2084.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Leader Lightford.

SENATOR LIGHTFORD:

Thank you again, Madam President. Members of the Senate, there were a number of amendments to require ISBE to add provisions to the reporting of student discipline, including amount of days missed due to suspensions and the amount of arrests made on school grounds and various types of incidents. The bill requires each of these to be disaggregated by race, gender, age, individual grade level, English learner, disability, whether arrested or not and the outcome of that arrest. This is a -- a bill that VOYCE brought to me, they've been working on over the years. We passed some bills a couple years ago to just create a data system at ISBE and it's still not giving us the information that we need, so we thought if we include categories that that would help us come up with more information. There is opposition from the State Board and School Management Alliance, but I think this initiative is important enough to continue moving forward in hopes that the State Board will realize that we have to collect this information so that we can have sound policy. Without it, we just keep going in circles and circles and debating each other with no hard facts, no true facts from the Department. So I'd be happy to answer questions.

50th Legislative Day

5/24/2019

PRESIDING OFFICER: (SENATOR MARTINEZ)

Thank you, Senator. Senator Weaver, for what purpose do you rise? Senator Weaver. SENATOR WEAVER:

To the bill, please. PRESIDING OFFICER: (SENATOR MARTINEZ)

To the bill.

SENATOR WEAVER:

Yeah. First, thank you for your work on this, Senator Lightford. I know how important it is to you. I know what you've been trying to accomplish. And the problem that this bill continues to have is it bumps up against privacy issues for juveniles. And we really feel that that matter's not been cleaned up yet. I understand what you're trying to do with the disaggregation, that you can get to clarity of -- if a certain class is -- is being discriminated against with regard to this, but the problem you have is, once you disaggregate information, now you're also getting the problem where juveniles' information now becomes public because the groups are so small that it's easy to find out who the individuals are. And I think that's paramount. Just as early as twenty minutes ago, I'm still getting responses from the School Management Alliance. And this is something I'd just like to read. So we're talking about the Juvenile Court Act here. I -- I want -- I'd like everybody's attention just for a moment. I'd like to have your attention just for a moment. PRESIDING OFFICER: (SENATOR MARTINEZ)

Can we -- can we please have a little silence? Senator Weaver, continue, please. SENATOR WEAVER:

50th Legislative Day

5/24/2019

Thank you, Madam President. We're talking about the Juvenile Court Act here and privacy of individuals, privacy of juveniles. So this is what this says: The Illinois Juvenile Court Act requires information derived from law enforcement about a student to be kept separate from and shall not become part of the official school record of such child and shall -- shall not be a public record. So the Juvenile Court Act is specifically saying this should not happen. The information shall be used solely by the appropriate school official - which is currently done - to aid in the proper rehabilitation of a child to protect the safety of the student and employees in the school. Requiring schools to report the final disposition of arrests or the offense for which a student was arrested contradicts current law intended to protect the privacy of minors and essentially creates a second criminal record for a juvenile. Another bullet point they had -- here is: It's inappropriate to assign arrests or referrals also at school activities - which is what this does - because at a school activity, which school should that be reported to when it may have happened off of school grounds. So I'm going to request a -- a No vote from our side. I have seen the amendments that are being requested by the Illinois State Board of Education and by the School Management Alliance. I believe those can get you where you want to be. I also understand your frustration; respect how hard you've worked on this. So we request a No vote and thank you for letting me speak on this. Thank you. PRESIDING OFFICER: (SENATOR MARTINEZ)

Thank you, Senator. Leader Lightford, to close. SENATOR LIGHTFORD:

Thank you, Senator Weaver. I appreciate your comments and -

50th Legislative Day

5/24/2019

- and your involvement in this area. I just want to clarify a couple of things that was stated. So this is not down to the individual student level. This not identifying a specific school. This is at the district level. And one of the things -- so the -- the protection and the safety of the student and the school is already included, embedded in this. This is just district numbers. So if I could just share with you some of the problems that we're experiencing. So here's an example - I mean, it's so far out there - there were five thousand five hundred and ninety-three in-school suspensions in this particular school district. When you go down to the other reason for the suspension, five thousand two hundred and thirty-eight of the suspensions were just in the "other" box, just "other". We -- we have no idea of the in-school suspension as it relates to gender, race, grade, if -- all the things that we need to know about that particular student to be able to provide correct policy so that we can get in to address these problems so that we can lower that in-school and out-of-school suspension. There was nine hundred and forty-eight suspensions in that same school district that were out-of-school suspension and -- and five hundred and fifty of them were just in the "other" category. So, again, it's -- it's -- it's we're just trying to get the information so that we can better serve. A lot of resources go from this building and we all know that, but are they really getting to the root of the problem. So this is just a measure to not individualize a student, not to individualize a school, but to get the information from the school districts so that we as legislators can have data that empowers us to make better policy decisions. I ask for an Aye vote. PRESIDING OFFICER: (SENATOR MARTINEZ)

50th Legislative Day

5/24/2019

The question is, shall House Bill 2084 pass. All those will vote -- all those voting will vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 39 Members voting Aye, 17 voting No, 0 voting Present. House Bill 2084, having received the required constitutional majority, is declared passed. Continuing on bills that have been amended, we are going to House Bill 2685. Leader Lightford. Out of the record. Ladies and Gentlemen, we're just waiting on some paperwork. We will continue in a few minutes. Senator Cunningham, for what purpose do you rise? SENATOR CUNNINGHAM:

For an announcement, Madam President. PRESIDING OFFICER: (SENATOR MARTINEZ)

Please make the announcement. SENATOR CUNNINGHAM:

Thank you, Madam President. Behind me on the Democratic side in the gallery is a group of students from Mount Greenwood Elementary School. They're from the seventh grade there, visiting Springfield on a field trip today. Like to ask the Senate to join -- join me in welcoming them to Springfield.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Will you please rise? And welcome to Springfield. SENATOR CUNNINGHAM:

And their tour guide, Representative Fran Hurley, is up there. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Rose, what purpose do you rise? SENATOR ROSE:

First of all, it's always nice to see you, Madam President.

50th Legislative Day

5/24/2019

PRESIDING OFFICER: (SENATOR MARTINEZ)

Thank you, Senator.

SENATOR ROSE:

I have a point of personal privilege, if I may. PRESIDING OFFICER: (SENATOR MARTINEZ)

Please introduce your guest. SENATOR ROSE:

Thank you. Ladies and Gentlemen, I have with me the Mayor of Farmer City, Illinois, Scott Testory. If we could recognize him and welcome him to Springfield, please. PRESIDING OFFICER: (SENATOR MARTINEZ)

Welcome. Ladies and Gentlemen, on page 10, House Bill 2931. There is a letter on file where Senator McGuire as the chief cosponsor of the bill of Senator Harris to present the amendment. Mr. Secretary, please read -- Senator McGuire seeks leave to -seeks leave of the Body to return House Bill 2931 to 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 2931. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 4, offered by Senator Harris. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator McGuire. SENATOR McGUIRE:

Madam -- Madam President, Ladies and Gentlemen of the Senate, I move the adoption of Senate Floor Amendment 4 and I'll be happy to explain it on 3rd.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? All those in favor, vote Aye.

50th Legislative Day

5/24/2019

Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration? SECRETARY ANDERSON:

No further amendments reported. PRESIDING OFFICER: (SENATOR MARTINEZ)

3rd Reading. Mr. Secretary, read the bill, please. SECRETARY ANDERSON:

House Bill 2931.

(Secretary reads title of bill) 3rd Reading of the bill. PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator McGuire.

SENATOR McGUIRE:

Thank you otra vez, Madam President, Ladies and Gentlemen of the Senate. House Bill 2931, as amended, extends the TIF in the following municipalities: the Village of Phoenix, the Village of Swansea, the Village of Saunemin, the Village of Romeoville, two TIFs in the City of Berwyn. It also extends the TIF in the Village of Hanover Park and corrects technical errors in the name of the TIF, which was originally extended in 100th General Assembly. I ask for your adoption.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion on the amendment? No, I mean -- I'm sorry. Is there any discussion? Senator Oberweis, for what purpose do you rise?

SENATOR OBERWEIS:

To the bill, please. PRESIDING OFFICER: (SENATOR MARTINEZ)

To the bill, please.

50th Legislative Day

5/24/2019

SENATOR OBERWEIS:

Ladies and Gentlemen of the Senate, this is one more case where areas have had TIF for twenty-three years. If they haven't gotten the job done in twenty-three years, it does not make sense to keep extending these things over and over again. When we do that, we send a message that, well, if you have a TIF -- TIF district, it doesn't matter whether you get anything done 'cause the Legislature will just extend it so it's something to keep in place. It's time that we stop extending these. Think about the damage this does to the school districts and to other taxing bodies when we continue to extend these TIFs. I urge a No vote, please. PRESIDING OFFICER: (SENATOR MARTINEZ)

Any further discussion? Senator McGuire, to close. SENATOR McGUIRE:

With due respect to my colleague's comments, I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MARTINEZ)

The question is, shall House Bill 2931 pass. All those will vote -- voting Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, we have 46 Members voting Aye, 2 voting No, 0 voting Present. House Bill 2931, having received the required constitutional majority, is declared passed. Senator Bush, what purpose do you rise? SENATOR BUSH:

...you -- thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Please introduce your guest.

50th Legislative Day

5/24/2019

SENATOR BUSH:

Thank you. If I could also ask for silence in the Chamber. PRESIDING OFFICER: (SENATOR MARTINEZ)

Members of -- Members of the Senate, can we please hold it down for one -- for a few minutes while Senator Bush presents her guest today?

SENATOR BUSH:

I'd like you to meet Stacy Ellis. Stacy Ellis is the wife of Trooper Ellis, who was a Trooper in my district who lost his life. They were honored over in the House today and I wanted to make sure to bring them to the Senate and let them know that we are so grateful, so thankful, and so sorry. So, if you wouldn't mind, a moment of silence.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Can we -- can everybody please rise and -- and offer a moment of silence for this brave soldier {sic}? (Moment of silence observed)

SENATOR BUSH:

Thank you for allowing me that. PRESIDING OFFICER: (SENATOR MARTINEZ)

We will now proceed to the Order of Resolution Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY ANDERSON:

No objections filed, Madam President. PRESIDING OFFICER: (SENATOR MARTINEZ)

Any discussion? If not, the question is, shall the

50th Legislative Day

5/24/2019

resolutions on the Consent Calendar be adopted. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. And the resolutions are adopted. Senator Hunter, for what purpose do you seek recognition? SENATOR HUNTER:

For the purpose of an announcement, Madam President. PRESIDING OFFICER: (SENATOR MARTINEZ)

Please make your announcement. SENATOR HUNTER:

The Senate Democrats will caucus immediately upon adjournment in the Senate President's Office for approximately one hour. PRESIDING OFFICER: (SENATOR MARTINEZ)

That is always in order. The -- the Senate Democrats will caucus immediately following adjournment. Ladies and Gentlemen, there being no further business to come before the Senate, the Senate stands adjourned until the hour of 4 p.m. on the 27th day of May 2 -- 2019. The Senate stands adjourned.